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# THE JUNIOR CLERGY LOOK AT ORGANIZED LABOR

One summer afternoon a few years ago I was sitting with Philip Murray, the president of the CIO, in his Washington office. We had been discussing a few local union problems, and as our discussion drew to a close Mr. Murray looked to the window and then back at me and said with his singular earnestness: "Father, I wish we could get the priests to read the encyclicals of the Holy Fathers. What the CIO is trying to do is basically in the social encyclicals of the Church."

What I replied I do not now remember, but I do remember that at the time I fumbled badly for a proper answer.

Mr. Murray's statement came back rather forcibly recently when I heard that the subject assigned for the exam of the Junior Clergy was "The History and Teaching of the Encyclicals *Rerum novarum* and *Quadragesimo anno.*" I suppose that to some the subject may appear unusual for the clergy exam, but to me it appeared to have a happy unusualness and to reflect a thorough recognition by a vigilant leader of the need of a clergy equipped to bring the sound teaching of the social encyclicals to guide the millions of Americans who are waging a determined struggle that they might live in a world which will assure them a bit of economic security.

But though the announcement of the subject struck a note of satisfaction, weeks later when I heard some of the questions which had been part of the exam I was more than just pleased, I was interested and curious. What did these hundred or more young priests think of current and threatened strikes? What did they think of Westbrook Pegler? And did they think that the CIO is controlled by the Communists? I wondered how I could find out.

Well, in due time the request was timidly made and graciously granted. So graciously, indeed, that a few weeks later I made a second request. Could I use the answers to some of the questions as a survey of the thinking of the Junior Clergy on the subject?

It was gratifying to learn from those exams that the Junior Clergy in their seminary course had heard a great deal more of the social encyclicals than had the Reverend Deacons who fifteen or twenty years ago came to answer their "Adsum." Yes, these young priests knew their encyclicals, and in general quite well. But I must confess that my special interest did not arise from a desire to learn how well the priests know the Church's social teaching. I was looking for something else.

To answer some of the questions the priests would have to have some knowledge of the organized labor movement in our country, and they would have to apply the Church's teachings to current problems in the turbulent field of organized labor. How well could they do it? I wanted to know, and when I learned I thought that others, too, would want to know. So to that end we shall discuss here, not their answers to those questions which are directly concerned with the encyclical doctrine, but rather those which reflect the thinking of the priests, and we shall pick two questions which in their several parts offered the priests a generous opportunity to express that thinking.

## I

One of the questions had these two parts: (1) Compare the Church's attitude toward the organization of workers into unions with the common attitude of Catholics toward unions as you have experienced that attitude. (2) Are working men morally obliged to join a union?

To the first question the answers of the priests were generally in the same tone. Contrary to the Church's teaching very often the attitude of Catholics is either indifferent or hostile. They do not know the Church's teaching. Their knowledge of unions has been acquired too often from newspaper stories of strikes and violence and pickets and police. The Church in this matter, the priests agreed, is far ahead of her children. But here are some of the answers:

> Many Catholics do not follow the Church in this matter because they are not informed on the nature and purpose of unionism, or because they have been influenced by propaganda printed in newspapers under the influence of employers and which besmirch unions as a whole. I have been in contact with many Catholics whose knowledge of unions is based solely on disparaging newspaper accounts.

Another priest sees no specifically Catholic attitude among Catholics:

> There is no common attitude among Catholics toward unions. Catholics for the most part do not judge the organization of workers into

unions from a Catholic viewpoint, but rather from the viewpoint of their social status. Few Catholics have been educated in the Church's attitude in this matter and they do not make a Catholic judgment.

Others substantially agreed:

> I feel that Catholics are the same as any other group in regard to this question. If they are wealthy and in the employer class they are suspicious of labor unions. If they are workers they are in favor of unions as the hope of the working class.
>
> Catholics are ignorant of the social teachings of the Church. They deny the value of unions. They bring injury to themselves by refusing to protect their natural rights.

Perhaps a bit severe, but probably buttressed by experience and writing out the fullness of his heart, one of the young priests submitted the following:

> The Church is far ahead of the common Catholic attitude toward unions. The ordinary workingman is like a sheep. The priest can lead him and help him but too often they are left indifferent. The Church has the teaching. More priests should teach it and preach it. I have met scores of men who were eager to talk labor with me. Pastors also are far behind the teaching of the Church—this has been my experience. Pastors do not care to go in and do some leading, and many won't let their assistants do any leading either.

In answer to the question: "Are workingmen morally obliged to join a union?" most of the priests made the necessary distinctions, though some answered an easy, "No!" and let it go. Obviously the question cannot be answered so easily, even in a clergy exam. There is no absolute "No" and no absolute "Yes," though certainly the theologians would have an easier time with the "Yes" than with the "No."

But some of the priests thought otherwise. Thus:

> Men are not morally obliged to join a union.
>
> Generally speaking, workingmen are not morally obliged to join a union.
>
> Workingmen are not morally obliged to join a union because such an obligation would be an infringement on their personal liberty.

Most of the priests, however, included in their answers the qualifying circumstances:

> In certain cases at least workers are obliged to join a union. Certainly all those who enjoy benefits gained by a union are obliged to join and protect the welfare of themselves and others.
>
> Workingmen are morally obliged to join unions so that the common good and mutual advancement of all can be procured. For it is in unions that the workingman is protected against injustice and progress made for all workingmen.
>
> Since labor unions today are the only instrument for obtaining economic security a man is morally bound to use such an instrument to protect his family and the community, unless he can obtain this security through personal means. It would seem, however, that collectively men are morally bound to co-operate to obtain a public and private security for themselves and their families.
>
> Men are bound, if not absolutely at least relatively, to join a union. Workers who weaken the strength of organized workers by not joining with them are guilty of moral evil.

Well, though no Papal encyclical has ever explicitly stated that there is an obligation on workers to join unions, both Leo XIII and Pius XI strongly emphasized the rights and benefits of such organization. It is true, too, that on June 5, 1929, the Sacred Congregation of the Council in a letter to the Bishop of Lille stating the attitude of the Church toward "the right of employers and workers to form associations whether separately or together" used these words: "The Church under existing circumstances considers the formation of these industrial associations morally necessary."

The late Monsignor John A. Ryan applied the teaching more explicitly. On the subject "Labor's Role After Victory" (Catholic Courier Jubilee Magazine, Nov. 1943) he stated:

> While it would be impossible to prove that every wage earner is in all circumstances morally obliged to become a union member, it could easily be shown that some degree of such an obligation rests upon the mass of unorganized workers.
>
> In the first place, they cannot obtain just conditions of employment without collective bargaining, which is rarely feasible without organization; in the second place, the unorganized employees in an industry or plant which already contains a union are enjoying benefits for which they have not paid; they are reaping where they have not sown. As to the alleged right of workers to join or not to join such a union it is, indeed, a legal right; in most cases it is not a moral right. Even less valid is the so-called right of the non-union man to work beside a mem-

ber of a union; certainly it does not stand on a higher ethical level than the right of the latter not to work beside the former.

## II

There was a question in the exam which I thought was well put to a group of the younger clergy. It was this: "In the light of the encyclical teaching give your opinion of the following: (1) The AFL. (2) The CIO. (3) Is the CIO controlled by the Communists? (4) Current and threatened strikes. (5) Westbrook Pegler."

Most of the priests knew the difference between the organizational policy of the AFL and CIO. They thought that the AFL was too restrictive in its craft organization of workers, and that the CIO's organization of all workers in an industry regardless of craft was more to be desired. However, the general opinion was that both so far as they went were in harmony with the teaching of the encyclicals on trade unions and that both have done much that has been requested by the Popes.

However, perhaps of greater interest than their approval was their criticism—and there the CIO suffered more than the AFL.

Of course the problems of the Communists in the CIO was the object of most criticism, and practically all of the priests noted this blot on the CIO structure. The criticism ranged from "revolutionary group" to "tinged with Communism," and "with leadership badly in need of pruning." A few felt that the demands of the CIO were exaggerated and unjust and "do not regard the rights of employers"; and some condemned its leaders for using it as a "political weapon."

The AFL was generally considered as the "more conservative" of the two organizations, but was quite generously criticized for leaving the unskilled workers unorganized until the advent of the CIO. Its craft structure was criticized as not reaching "those who most need the protection of a union," and its leadership was considered by some as "too dictatorial" and with too many "union bosses who use the union for their own advantage."

Surprisingly enough only one priest mentioned the often heard criticism of the excessive salaries paid in the AFL to union officers, and only one made any mention of the Communists in the AFL where, though they are not nearly the problem they are in the CIO, they are nevertheless a real problem in some international unions.

On the question of whether or not the CIO is controlled by the Communists, of the 105 priests who took the exam, thirteen said that the CIO was controlled by the Communists, six were in doubt, and the rest stated that it is not controlled by the Reds. Practically all of the latter group qualified their answers, stating that some unions of CIO were completely in the control of the Communists, and that in some areas, notably New York City, the Communists have effective control of the CIO organization.

To put in percentages week by week the degrees of influence of the Communists in the CIO would be impossible. I have seen a recent opinion which holds that the Communists could control the organization in any political matter, but many able right-wing leaders of the CIO do not agree with this opinion. Perhaps the thinking of the majority of this group of priests substantially reflects the thinking of the vast majority of those priests who have been working with groups from the organized labor movement. Few minimize the strength of the commissars in the CIO. They are there and their influence is strong—and they are willing to work twenty-four hours a day if necessary on behalf of their cause. But they have never decided CIO policy, even though on many social questions the wavering "party line" has fitted quite snugly with the policy of the CIO.

But what did the priests think of the current strikes in the nation? Were they sympathetic or hostile? In the past few months we have heard many priests thoughtlessly condemning strikers. Not of course on the merits of the workers' demands, which few of those so ready to condemn could discuss intelligently, but because strikes have the unpleasant function of interfering with the comforts and conveniences of others.

What of the Junior Clergy? How did they feel? Here is their score: a few feared that these strikes had been instigated in large part by the Communists, and some thought that the demands of the unions were exaggerated; about thirty per cent refused to pass judgment; twenty per cent were opposed and judged the strikers either unjust in their demands, or unfair to the returning veterans and the national economy; about fifty per cent expressed favorable judgment on the justice of the cause of the striking unionists.

Doubtless that score would not satisfy Mr. Green or bushybrowed John L. Lewis, but it looked pretty good to me. Despite the press stories of pickets and violence and alleged violations of contracts, one out of every two of these priests was defending the cause of the nation's strikers. With no fear of the result I would match that percentage with the thinking of any other group of professional men in the country.

What were the pros and cons? The cons were more to the point. Thus:

> These strikes are enlarging a growing snowball of violent radicalism.
>
> The strikes in the nation today are stupid, uncalled for and seem to be a wedge for Communist control.
>
> The wave of strikes is an abomination. These differences could and should be settled by other means.

But the defenders of the strikers were far less alarmed:

> The current strikes in the nation on the whole are a good thing, if peaceful means are used.
>
> These current strikes seem legitimate. They are causing great inconvenience and may be unjust in some cases but on the whole I think not.
>
> The current and threatened strikes ought not to cause too much alarm. The strikers know that they cannot get their proposed aims completely, yet they should get some and thus raise the standard of living.
>
> These strikes must be judged individually and on their own merits. Certainly it seems that most industries can pay a substantial increase because of enormous war profits, increased productive efficiency and with decreased taxes going into effect. War wages are no standard for gauging the needs of the people in peacetime, and prices are still up more than thirty per cent.

I must confess that I had a special eagerness to learn what these young priests thought of Westbrook Pegler. I hoped of course that I would find them sharing my attitude towards his writing. I know that there are many millions who do not share my distaste for the gentleman, the same millions perhaps whose only knowledge of the labor movement comes from the unsavory corner of the movement paraded and re-paraded before the American people by Pegler as the whole picture of the great organization of the workers of America.

So I was not at all unhappy to find that Mr. Pegler has but few admirers among this group of the clergy. A few thought that he was honest and doing a good job. Some thought that his exposé of racketeers was a strong and necessary medicine for the labor movement. Some do not read him, and one of these replied: "I do not read Westbrook Pegler, and do not feel that I can write what I have heard said of him and still retain my present status."

The vast majority, however, ranged from mild to fierce and eloquent criticism. He is an "extremist blinded by the defects of unions." He is "destructive," and "a true reactionary." "He offers no solution and his pointing out of only the faults of labor is harmful to good unions."

But here are a few of Mr. Pegler's more severe critics:

> Westbrook Pegler is a knight in brilliant array who should be knocked from his horse. He is continually emphasizing the weaknesses and corruptions of unionism without praising it for its good points. Though he proposes to be fair by continually exposing the black side, even though what he says is true, he is giving a distorted view of the whole movement.
>
> A sour vinegar writer, a pessimist of the first order, who exposes the abuses of labor unions without giving due account to the good work that most unions do.
>
> If Pegler ever admitted that unions were good *in se,* I have never heard of it. His harping on the abuses within unions gives the impression that they are substantially corrupt. He does have a nuisance value however.
>
> Westbrook Pegler is somewhat of a crackpot. He lives near New York City and cannot see beyond the Manhattan shoreline. He only sees the evils of unionism and that among the worst of unions. He condemns unions instead of condemning the abuses. The workingman does not gain much through Pegler.
>
> Pegler could condemn the racketeers but still uphold the spirit and principle of unionism. On the whole unions seem to be run honestly. Abuses should not be used to destroy them. He pictures all unions in an unfavorable light whereas they should receive support from pens wielded by such influential writers as Pegler.

And one of the Fathers apparently sought to temper his criticism thus: "Westbrook Pegler is an extremist who is blinded by the defects of unions. (He's a corker on Roosevelt though!)"

Thus the thinking of the clergy on the organized labor movement and some of its problems. I thought that it was good thinking, needed thinking, and I knew that others would be interested. In a day of great social unrest the organized labor movement is in the vanguard of those forces fighting for a more just social order, and as a defender of justice the organized labor movement has a special right to the sympathy, encouragement, counsel and help of the priest.

I believe that there are still many of us who must realize that playing a major role, perhaps playing a hero's role, in the building of a better economic order will be the man who works with his hands for a living. For the first time in history if he is awake to his opportunity he will have a say in the shape of the future. But today he is buffeted by a thousand varieties of plans and planners. In great part he has been torn loose from the spiritual roots which guided his parents. He needs to be shown. He wants to learn. He is confused. He is a decent, common-sense American who in the very large majority recognizes the authority of God. He can be guided. For the most part he will listen. And he has a right to know that the Church of God has laid down dependable guides for his thinking and a solution to his problems in the social teachings of the Church.

A few years ago in his Christmas allocution to the College of Cardinals our Holy Father used these words: "Today there opens for the Church a period comparable to that hour when Christ went forth to meet the ancient paganism." It follows, it would seem, that we are living in a most critical hour of Christian history and that it has fallen to us to meet the challenge of a world that has in great part fallen back into paganism. We dare not go our indifferent way, neglecting to present the desperately sought solution to so many of the world's great problems. Karl Radek, one of the evangelists of Communism, once wrote that "Christianity if it meant the actualization of the teachings of Jesus would in the twinkling of an eye solve every economic problem." And he added: "The trouble then would be to get people to take and stop giving."

The problem is great. The solution is ours. What is our obligation? In *Quadragesimo anno,* Pius XI gives us the answer:

*"Nowadays, as more than once in the history of the Church, we are confronted with a world which in large measure has almost fallen back into paganism. In order to bring back to Christ these whole classes of men who have denied Him, we must gather and train from amongst their very ranks auxiliary soldiers of the Church,*

*men who know their mentality and their aspirations, and who with kindly fraternal charity will be able to win their hearts. Undoubtedly the first and immediate apostles of the workingmen must themselves be workingmen, while the apostles of the industrial and commercial world should themselves be employers and merchants. It is your chief duty, Venerable Brothers, and that of your clergy, to seek diligently, to select prudently, and train fittingly these lay apostles, amongst workingmen and amongst employers.*

*"No easy task is here imposed upon the clergy, wherefore all candidates for the sacred priesthood must be adequately prepared to meet it by intense study of social matters. It is particularly necessary, however, that they whom you specially select and devote to this work show themselves endowed with a keen sense of justice ready to oppose with real manly constancy unjust claims and unjust actions; that they avoid every extreme with consummate prudence and discretion; above all, that they be thoroughly imbued with the charity of Christ, which alone has power to incline men's hearts and wills firmly and gently to the laws of equity and justice. This course, already productive of success in the past, we must follow now with alacrity."*

JOSEPH F. DONNELLY

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## ST. ROBERT ON THE PROOF FROM THE NOTES OF THE CHURCH

We teach that the notes of the Church do not make their conclusion completely evident. Otherwise it would not be an article of faith that this Church is the true Church, and no one would be found to deny it, just as no one is found to deny the propositions which mathematicians prove. Still the notes of the Church render their conclusion evidently credible, "Thy testmonies are become exceedingly credible," as Psalm 92 states. And, to those who admit divine Scriptures and the histories and the writings of the ancient Fathers, the notes of the Church can also give a kind evidence of truth. Although the truth of articles of faith cannot be absolutely evident, it can yet be evident hypothetically, that is, the Scriptures are accepted as true, then whatever is evidently deduced from the Scripture is evidently true, according to this hypothesis.

—St. Robert Bellarmine's *De Notis Ecclesiae*, in the *De controversiis Christianae fidei adversus huius temporis haereticos* (Ingolstadt, 1586), 1, col. 1339.

# RELEASED TIME FOR RELIGIOUS EDUCATION

## PART I

Practical plans to provide religious instruction for children and youth who attend public schools are receiving widespread attention today. Educators are motivated in this matter by a number of important factors. Perhaps the statement made public by the White House Conference in 1940 will summarize the needs which underlie all attempts to bring the influence of religion into the lives of American youth. "Despite these various types of church and school response, the religious needs of the children are very imperfectly met in the case of many who belong to the various church constituencies. It has been estimated that approximately one-half of the children and youth in the United States receive no formal religious instruction."[1] The late President Roosevelt, who welcomed the delegates to the Conference, observed that in view of the large number of children receiving no religious instruction, "It is important to consider how provisions can best be made for religious training."[2]

Released Time is one of the plans which aim to provide this needed instruction to public school children. This survey of the Released Time plan will be devoted to the following points: I. Nature and operation; II. Origin and development; III. Legal authorization; IV. Opponents and proponents of the plan; V. Catholic authorities on Released Time; VI. Curriculum content; VII. General conclusions.

### I. NATURE AND OPERATION

There are many and varied definitions of Released Time—all of which agree in essentials. Erik W. Modean, in an article in *Read,* wrote as follows: "Briefly, Released Time is a plan by which boys and girls are released from public schools for one or two hours each week, at the request of their parents, to attend religious instruction at the church or synagogue of their parents' choice."[3] It need only be added that in certain systems the time per week given to such instruction may extend even to five hours (on a semester basis), and also that the place where the classes are held will be found to vary in different communities. "Its sessions are held in church buildings, or in buildings owned or rented by the weekday church school council or, where possible and advisable, in public school rooms."[4] Erwin L. Shaver has pointed out the respective functions of the church authorities and the public school in carrying out the Released Time program. "It is a plan of church and school co-operation, but one in which the churches are responsible for financial support, for administration of the program, for curriculum and for furnishing teachers and supervisors. The public school co-operates by excusing pupils, by sharing time, and in such ways as indicate encouragement and sympathetic interest without using any manner of influence which is coercive or embarrassing."[5]

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[1] *Preliminary Statement—White House Conference on Children in a Democracy,* Supt. of Documents, Washington, D. C., 1940, p. 83.

[2] N.C.W.C. News Service, Jan. 1, 1941.

[3] E. W. Modean, "Religion in the Schools," *Read,* Jan., 1945, p. 35.

The pupils who are to attend classes in religion on Released Time are excused by the public school authorities, "from their usual public school program for an hour (or more) a week, either on a *simultaneous* release schedule or on a much-to-be preferred *staggered* schedule of release, to enter classes in religion."[6] The time schedule adopted by the St. Louis Board of Education, for example, is as follows: "Grades I and II from 9 to 10 a.m.; Grades III and IV from 11 to 12; Grades V and VI, from 1 to 2 p.m.; Grades VII and VIII from 2:25 to 3:25. For the high schools, the children will report at the centers on Wednesday mornings and will be released in time to reach the high school for the second period."[7] This is the so-called "staggered" schedule of release. The "simultaneous" release schedule, for example, is thus described in a directive of the Board of Education, Syracuse, New York. "Pupils of the various grades will be excused as follows: Grades 1-6, last period on Tuesday; Junior High School, last period on Wednesday; Senior High School, last period on Monday."[8]

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[4] *Weekday Classes in Religious Education,* Bulletin No. 3, 1941, U. S. Office of Education, Washington, D. C., p. 3.

[5] "The Movement for Weekday Religious Education," *Religious Education,* Jan.-Feb., 1946, p. 9.

[6] *Ibid.*

[7] Leaflet issued by the Interfaith Committee on Weekday Schools of Religion, St. Louis, Mo., 1944.

[8] *Religious Education on Excused School Time,* Board of Education, Syracuse, N. Y., Sept., 1945.

Released Time as described above differs substantially from Dismissed Time "by which public schools would dismiss all students one afternoon during the week, for whatever their parents wished them to do."[9] This plan provides only that the public school shall close one hour earlier one day a week in order to permit the pupils whose parents so request to attend classes in religious education sponsored by church bodies. "The other children," observes Mr. Shaver, "do whatever seems desirable—a few work, most of them play."[10] Dismissed Time carries a minimum of public school responsibility; the school is closed during the period given over to religious instruction for those who take advantage of it. The Released Time arrangement, however, involves co-operation, limited but necessary, on the part of the public school authorities with the religious instruction centers. An illustration of this can be seen in the following regulations issued by the Board of Education, Syracuse, New York.

> Dismissals will be granted on written request of parents.
>
> Schools will please use permit cards supplied by the Board of Education. These cards should be carefully explained to the children. Use new cards in September, but not in January.
>
> These permit cards are to be returned to the schools and are to be kept on file. When pupils transfer to other schools during the school year, the permit cards are to be sent with other school records.
>
> From these cards school principals will make alphabetical lists, by grades, of pupils who are to attend the various religious education centers and will send a copy to the person in charge.
>
> Attendance reports are to be sent from each religious education center back to the schools from which children come.
>
> These reports must be sent promptly and regularly each week. They should be *written* and *official,* on blanks supplied by the Board of Education. The names of absentees should be in alphabetical order by grades.
>
> Religious education centers will please advise schools, as far in advance as possible, of any days on which they do not want children excused. School holidays will also be Religious Education holidays.
>
> Pupils who are illegally absent from Religious Education three times in one semester are no longer to be excused.
>
> The religious education center the pupil is to attend should be clearly

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[9] "Religion in the Schools," p. 37.

[10] *Op. cit.,* p. 9.

stated on the permit card. Principals should explain this to pupils when permit cards are distributed.

Churches will please inform the Board of Education Office as to what centers are to be used, with the name, address and telephone number of the person officially in charge at each center, and school grades to be accommodated.

Schools are to avoid attractions during the last period on religious education days that may cause pupils who are regularly excused to remain in school.[11]

## II. ORIGIN AND DEVELOPMENT

It is of historical interest to note that three plans were proposed to the upper house of the French Parliament during the closing decades of the last century which closely approximate the Released Time plan. The plans, which were ultimately rejected, are as follows:

> Upon request of the parents, the ministers of different creeds or persons deputed by them shall be allowed to impart religious instruction on the school premises and outside of class hours, taking care to conform to the rules which shall be established, if necessary, by the department boards.
>
> Religious instruction shall be given on Sundays and Thursdays and on one class day, every week, in the main hall of the mayoralty, or, in the case of hamlets, in the school itself.
>
> The public school teacher may, if he chooses, give religious instruction inside the school building, but not during school hours, to those children whose parents shall have asked for it.[12]

The beginning of the Released Time plan in the United States is usually associated with an experiment made by Superintendent William Wirt in the public schools of Gary, Indiana, in 1917.[13] However, much earlier we find legal authorization which would permit some form of religious education in the public schools. In 1876, a court decision in Vermont left to the discretion of the local school boards the authority to release public school pupils for religious instruction.[14] The first development of Released Time is seen in a small number of widely separated communities which, with few exceptions, were located in the middle west.[15] From these early efforts the use of Released Time gradually assumed wider and more important proportions. This development necessarily grew out of enactments which provided the legal authority for such procedure. In 1937, it is reported that Released Time schools were conducted under various legal provisions in 45 states, in more than 2,000 centers, with an estimated enrollment of 265,000 pupils.[16] Later figures indicate a definte growth in the number of pupils attending Released Time schools despite the difficulties and distractions incident to the war. Thus, Mr. Modean states that 1,500,000 elementary and high school children in the United States were participating in the Released Time plan as of January, 1945.[17] Mr. Shaver writes, "Today, approximately 2,000 communities in all but two states provide religious education in co-operation with the public schools for more than a million and a half of pupils. The plan is operating in all sections of the country. It began in the smaller towns and cities. It is now found in 21 of 38 cities which have over a quarter of a million population and is receiving serious consideration in more than half of the remainder. Rural areas as well have found it a means of reaching vast numbers of children out of touch with religion."[18] In New York City, according to a recent news release, more than 100,000 children are enrolled in Released Time classes.[19]

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[11] *Religious Education on Excused School Time,* Board of Education, Syracuse, N. Y., Sept., 1945.

[12] Cited by Rev. Thomas Bouquillion, *Education: To Whom does it Belong? Part Three* (Baltimore, 1892), pp. 37 f.

[13] Floyd S. Gove, *Religious Education on Public School Time* (Harvard University, 1926), p. 30.

### III. LEGAL AUTHORIZATION

Legal authority for the operation of Released Time rests at present upon state legislation, rulings of state attorneys general, and decisions and opinions of courts and state boards of education or state officials of such boards; and to this must be added the tacit permission which prevails in some states where the law is merely passive and local authorities are responsible for the Released Time program arrangements, whether formal or informal.

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[14] *Weekday Classes in Religious Education,* p. 5.

[15] Donald R. Gorham, *A Study of the Status of Weekday Church Schools in the United States* (University of Pennsylvania Press, 1939), p. 2.

[16] Rev. William A. Franer, *Religious Instruction on Released School Time* (unpublished M.A. dissertation, The Catholic University of America, May, 1942), p. 10.

[17] *Op. cit.,* p. 40.

[18] "The Movement for Weekday Religious Education," p. 7.

[19] *The Tablet,* Brooklyn, N. Y., March 9, 1946.

Twelve states have passed legislation enabling the organization of Released Time schools: California, Indiana, Iowa, Kentucky, Maine, Massachusetts, Minnesota, New York, Oregon, Pennsylvania, South Dakota, and West Virginia.[20] To this list may be added those states which authorize Released Time programs by rulings of the attorneys general, such as Illinois, Nevada, and Idaho; or states where classes are permitted by authorization of state boards of education or officials of such boards. This list includes Connecticut, Delaware, Nebraska, New Jersey, Rhode Island, Ohio, and Utah.[21]

According to a survey published by the National Educational Association in February, 1946, forty-two states are reported to have the "practice and usage" of Released Time or of permitting "use of public schools by religious groups after school hours," which may or may not include religious instruction. Two states, Montana and Nevada, are not included on this point in this survey, which is based upon reports of state superintendents of education. Delaware, District of Columbia, Maryland, and Nebraska are reported in the survey as not having either Released Time or use of school building by religious groups after school hours; and Tennessee reports no provision for Released Time and no comment on use of school buildings by religious groups after school hours.[22]

There is basic similarity in the legislation passed by the various states, and the following law which prevails in Minnesota may be considered fairly typical of all such enactments.

> A child may be excused from attendance (at school) upon application of his parent, guardian, or other person having control of such child, to any member of the school board, truant officer, principal, or city superintendent for the whole or any part of such period, by the school

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[20] *Weekday Classes in Religious Education*, p. 5. Massachusetts passed Released Time legislation in 1941, Indiana and California in 1943, Pennsyvania in 1945. These states are not listed in the above-mentioned book.

[21] *Ibid.*

[22] "The State and Sectarian Education," *N.E.A. Research Bulletin*, XXIV, 1 (Feb., 1946) (Washington, D. C.: National Educational Association), p. 36.

> board of the district in which the child resides, upon its being shown to the satisfaction of such board:
>
> That it is the wish of such parent, guardian, or other person having control of any child, that he attend for a period or periods not exceeding in the aggregate three hours in any week, a school for religious instruction, conducted and maintained by some church, or association of churches, or any Sunday school association incorporated under the laws of this State, or an auxiliary thereof, such a school to be conducted and maintained in a place other than the public school building, and in no event, in whole or in part of public expense; provided that no child shall be excused under this section while attending upon instruction, according to the ordinances of some church.[23]

The following opinion is illustrative of regulations handed down by the attorney general's office in some states relative to Released Time. This example is significant in providing that the instructions, given by persons other than the school faculty, may be held in the public school building.

> First: A board of education may legally allow pupils leave of absence for one hour a week for moral or religious instructions given by persons other than the regular teachers engaged by the board, where it is determined by the board that such absence will not injuriously affect the standing of said pupils in their classwork.
>
> Second: A board of education may lawfully permit the use of the school building or rooms in school buildings under their control, when the same are not in actual use for public school purposes, to be used and occupied by an organization or organizations for the purpose of giving religious instructions to school pupils and to others, under proper rules and regulations with respect to such occupancy as may be promulgated by such board.[24]

The common feature of all authorized regulations for Released Time is the written request from parents, the responsibility of the church authorities for the safety and care of the pupils during the release period, and accurate attendance reports. The element of difference in particular regulations involves the stipulated use or non-use of public school buildings, the number of hours per week which may be devoted to religious instruction, and the programs which are drawn up under state supervision in order to gain credit for the religion courses.

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[23] Manson's *Minnesota Statutes,* I, No. 3080 (1927).

[24] Opinion of Attorney General, State of Ohio, N.C.W.C. News Service, March 25, 1941.

Proponents of Released Time will continue to be concerned by opposition that has recourse to the courts. "Legal issues are sure to arise," writes Professor Gove, "involving among other matters, the use of public school teachers in giving religious instruction, the use of public property, the responsibility of the public school board for the children released at the request of the parents to attend religious instruction, the time of the day, the delimiting of the public school program to make room for religious instruction."[25] Unfavorable court decisions or rulings of officials have in the past rendered the operation of Released Time impossible in certain localities. The governor of Washington, for example, vetoed in 1945 a Released Time measure that had been passed by the state legislature. Future assaults against the plan are not precluded by the favorable decisions recently rendered by courts in Chicago, Los Angeles, and Champaign, Illinois. The legal basis for the three decisions are not dissimilar.

The operation of Released Time in Chicago, conducted since 1929, through approval of the Chicago Board of Education, was upheld by the Supreme Court in a decision that emphasized the provisions of the Constitutional Bill of Rights. The first provision of the Bill of Rights, "that Congress shall make no law respecting an establishment of religion" is not contravened by the Released Time regulations. This was affirmed by the presiding judge of the Superior Court in the Chicago Released Time case. "It does not provide for any teaching of any religion in the public schools. It is merely doing what is an attempt to conform the operation of the school system which takes a large part of the child's life with the family life and the life of the community at large. Certainly that cannot be said to establish a church." The other provision of the Bill of Rights that Congress shall make no law "prohibiting the free exercise" of religion is, affirmed the judge, "in accord with the Released Time regulations. I can't see how it could possibly be said that it is prohibiting free exercise of religion. It could be said to encourage the exercise of all religion. . . . It seems to me to be in direct conformity with it [the Bill of Rights], not against it." In concluding his decision, the judge wrote as follows:

> If I had any doubt about the matter at all, I certainly would resolve every doubt in favor of the First Amendment. I think there can be

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[25] *Op. cit.*, p. 31.

no doubt in that respect. I think that is true of any American Judge, as I said before, but in this case I have no doubt whatever but that this regulation is a wholly harmless one so far as any infringement on that right is concerned, and is in conformity with the historical and legal interpretation of this first amendment to our Constitution.[26]

The Released Time law was upheld in the Superior Court of Los Angeles on Dec. 5, 1945, in an action brought against the Board of Education which had instituted the Released Time classes pursuant to an enabling Act of the California legislature passed in 1943. The decision was handed down by Judge Charles S. Burnell. The following points were made as to *Findings of Fact* and *Conclusions of Law.*

### *Findings of Fact*

### IV

That in the conduct of the program by which pupils in the schools under the jurisdiction of the Respondents are released from school in order to attend religious exercises and classes in moral and religious instruction with the consent of the parents of said pupils, those pupils who have qualified as participants in said program are separated and segregated upon the school premises in accordance with the request of the parents of said pupils and are released to representatives of the several denominations and religious groups conducting said classes and are taken to a point off from and outside the school premises and are there given religious instruction and then returned to said school premises within the times prescribed by the school authorities; that those pupils whose parents have not consented to their release are kept upon the school premises and are given during the absence of the pupils released from such instruction and tutelage as the teacher and principal of the particular school in their discretion select within the scope of the curriculum for each particular class.

Except as herein expressly found, the Court finds that the allegations contained in paragraph IV of the petition are not true.

### *Conclusions of Law*

### I

That section 8286 of the Education Code is not violative of any provision of the Constitution of the State of California.

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[26] Decision of Judge Ulysses S. Schwartz, Superior Court of Cook County, *People ex rel. Ira Latimer vs. Board of Education of the City of Chicago,* No. 45 S 20330, Nov. 17, 1905.

II

That the manner and method and course of conduct of the Respondents in releasing pupils from school in order to participate in religious exercises or to receive moral and religious instruction at their respective places of worship or at other suitable places designated by the religious group, church are denomination which has instituted classes for released time religious education, has not been and is not now violative of any provision of the Constitution of the State of California.

III

That the Petitioner should take nothing by her petition as against the Respondents, or either or any of them, and that the Respondents should have and recover of and from the Petitioner their costs of suit.

Let judgment be entered accordingly.[27]

The Champaign (Illinois) case, widely publicized, was decided in favor of Released Time on Jan. 28, 1946, in a decision that upheld its operation in public school buildings. The opinion of the three Circuit Court judges may furnish precedent for future court decisions and it contains a refutation of popular objections legal and otherwise against the plan. The judges gave no weight to the claim of the plaintiff against the Champaign School Board that the religious instruction classes resulted in humiliation for her son, who did not take the course. The issue was settled on the question of conformity or violation of Released Time regulations with Federal and state laws.

The Opinion of the Court briefly summarized the manner of operation of the religious education classes in the public schools of the city of Champaign.

> What it all amounts to is that pupils who take religious education use a thirty-minute study period which otherwise would have been devoted to study for recitation in their regular lessons; that on this released time they study religious education; while those who do not take religious education simply have a thirty-minute study period while waiting for the pupils in religious education classes to rejoin them for the regular secular studies. Occasionally the secular teacher remains in the religious education class room but takes no part whatever in the

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[27] *Rita Gordon, Petitioner vs. Board of Education of the City of Los Angeles, et al., Respondents in the Superior Court of the State of California, No. 506900,* filed Feb. 19, 1946, in Office of Clerk of Superior Court, Los Angeles, Certified copy, pp. 6-7; 9.

> religious education. Most of the time she is with the group who do not take religious education and supervises their study. At all times the secular teacher is supervising the study of those who do not take religious education.[28]

The Court held that "sectarian differences between the sects are not taught or emphasized in the actual teaching as it is conducted in the schools," and it declared the testimony offered by the teachers of religious education, by the secular teachers who testified, and by many children who either took or did not take religious education classes, "is to the effect religious education classes have fostered tolerance rather than intolerance."[29] Thus two charges brought against the School Board were disposed of. The Court denied the contention that the religious education classes involved illegal expenditure of public funds. "The evidence shows that no direct appropriation of any kind or a direct expenditure of money of any kind is made by the defendant's school district for or on behalf of said religious education classes."[30]

According to the Court the main issue was "whether the teaching of religious education in the Champaign public schools in the manner shown by the evidence in this case is repugnant to the Federal and State constitutions and in violation of the statutes of Illinois."[31] The judges affirmed that "there is nothing in any expression of the Federal Supreme Court that remotely indicates there is any constitutional objection to the Champaign system of religious education," and they denied that "the conduct of the classes as shown in the record of this case violates the constitutional provisions, State or Federal."[32]

"The Brief of Defendant and Interveners" of the court proceedings in the Champaign case presents the following principles which underlie Released Time legislation.

> The law is that parents have the right to control and direct the education of their children so long as it does not interfere with the education of others. The United States Supreme Court has held that this right to control and direct the education of children is protected against in-

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[28] *The Champaign Religious Education Case, Opinion of the Court* (Springfield, Ill.: The Illinois Association for Religious Education, 1946), pp. 6 f.

[29] *Ibid.*, p. 9.

[30] *Ibid.*, p. 14.

[31] *Ibid.*, p. 15.

[32] *Ibid.*, pp. 23, 37.

fringement by state action by the Fourteenth Amendment to the Federal Constitution.

If a parent has the money and the inclination he may without interference from the state send his child to a private or parochial school where religion is taught. If the state does not interfere with the parent's decision to give the child a full time education of that type, how may it interfere with the parent's decision to have his child take 30 minutes or 45 minutes a week of religious instruction? The greater includes the lesser.

The right of a parent to have his child released for the purpose of taking a religious education course is a lawful right so long only as it does not interfere with the rights of others. The fact that such religious education classes may prevent the students who elect, with their parents' permission, to attend such classes from spending precisely the same amount of time on their public school work as that spent by pupils not electing to attend such classes is no concern of the latter. The fact that the former group of students is not required to make up the time supposedly lost in the religious education classes is not a matter about which the relator in this case may complain.

A great deal is said in the relator's brief about the "separation of church and state." This is a term which has the great advantage of meaning exactly what the user intends it to mean. However, for the same reason it lacks accuracy. In no event is it a rule of legal decision. To determine what sort of separation the state has from the church we must examine the constitutional provisions, Federal and State, relating to the church. . . . There is no justification for saying that religion and government are inimical each to the other. The separation is a separation of institutions or organizations and not a separation of religious beliefs or practices from the state.

The truth is that the government is not atheistic or unfriendly or even neutral toward religion as a whole. It not only protects, but it fosters religion, as it has the right to do as the arm of a religious people. What it does not do and may not do is to establish one religion or several religions at the expense, detriment, or disadvantage of others. It must not be guilty of "discrimination" or "preference." However, what it does without discrimination or preference, even though it be a benefit or an aid to religion or churches, is not prohibited by the Constitution.

To insulate the school from all contact with or knowledge of religion is tacitly to deny that religion has any place in life. In effect, it would convert the schools into pagan and atheistic institutions much more sectarian in favoring unreligion than the present religious education classes favor any faith or sect.

It seems clear that the present case is an effort to place atheists at a distinct advantage in the propagation of their unbelief over persons who espouse a religious faith. Success of this effort would fly in the face of the historical fact that we are a religious people and that the very essence of democracy is the dignity of the individual and reverence for God which religion alone teaches.[33]

(*To be continued*)

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*Washington, D. C.*

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[33] *In the Circuit Court of Champaign Co., Ill., No. 18101,* copy of Brief Filed Nov. 20, 1945, pp. 44 ff., 53, 82, 94.

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### FIFTY YEARS AGO

In the July, 1896, issue of *The American Ecclesiastical Review,* Dr. Periès of The Catholic University discusses the question of suspension *ex informata conscientia,* taking exception to Dr. Smith, who opposed the inflicting of such a censure in the case of occult crimes. . . . Fr. William Stang (later Bishop of Fall River) begins a series of articles on the unpublished letters of Archbishop Seghers, who was slain in Alaska in 1886. The excerpts contained in this article, dating from the early missionary days of the Archbishop, attest his great zeal and fervor. . . . Fr. H. Henry, of Overbrook Seminary, contributes an article on "The Centenary of the Prodigies of Mary," an historical account of a number of wonderful incidents reputed to have taken place throughout Italy in 1796 and 1797, particularly the motion of the eyes in many pictures of Our Lady. . . . Three papers are presented under the general heading "The University Extension Movement among American Catholics"—the first on the Catholic idea of popular university education, by Condé Pallen, the second on the Catholic summer school and the clergy, by Fr. Thomas Conaty, later Rector of The Catholic University, and still later Bishop of Los Angeles, the third on the New Orleans Winter School, by Mr. T. O'Hagan. . . . In response to a question as to the particular Mass to be celebrated on the occasion of the silver jubilee of a wedding it is stated that in the event that the wife never received the nuptial blessing it can be given on this occasion, the *Missa pro sponso et sponsa* being celebrated; otherwise it is to be the Mass of the day. . . . Fr. Patrick Whelan urges that more spiritual care be given to the deaf-mutes of the country, the number of whom he estimates at sixty thousand.

F. J. C.

# THE NECESSITY OF INTERPELLATIONS IN THE PAULINE PRIVILEGE

The conditions required for the use of the Pauline privilege in dissolving the bonds of marriage may be reduced to four heads: (1) that the marriage in question had been contracted by two parties neither of whom had been previously baptized; (2) that one of the partners to the marriage embrace the faith by receiving baptism of water; (3) that the other consort remaining in infidelity depart either morally or physically, that is to say, will neither be converted nor continue to cohabit peacefully without offence to the Creator; and (4) that the bond be severed only "in favor of faith" inasmuch as the convert may use his right to contract a fresh union only with a Catholic spouse. Theologians and canonists, particularly those who have in mind missionary and mixed regions, are wont to discuss these conditions more at length and to expound various problems and difficulties that are encountered in their application. A general treatment of the many questions involved would take us too far afield. The scope and purpose of this article is merely to focus attention upon the necessity of the interpellations, a point which has been the object of some doubt and disagreement among writers.

Matrimony of its nature induces a permanent indissoluble tie between husband and wife. This is true of it in both of its aspects—as a natural institution and as a sacrament. The words spoken by Adam under divine inspiration in paradise: "Wherefore a man shall leave father and mother, and shall cleave to his wife: and they shall be two in one flesh,"[1] have never been made void; they have rather been reiterated and made more emphatic by Christ, the author of the New Dispensation, when to the enquiring Pharisees he made answer saying: "Have you not read, that he who made man from the beginning, made them male and female. And he said: for this cause shall a man leave father and mother, and shall cleave to his wife, and they two shall be in one flesh. Therefore now they are not two, but one flesh. What therefore God hath joined together, let no man put asunder."[2] The Council of Trent, referring to this passage of Holy Writ, makes the simple com-

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[1] *Gen.* 2:24.

[2] *Matt.* 19:4-7.

mentary: "Hoc autem vinculo duos tantummodo copulari et coniungi Christus Dominus apertius docuit cum postrema illa verba (erunt duo in una carne), tanquam a Deo prolata referens, dixit: 'itaque iam non sunt duo, sed una caro,' statimque eiusdem nexus firmitatem, ab Adamo tanto ante pronuntiatam, his verbis confirmavit: 'Quod ergo Deus coniunxit, homo non separet.' "[3]

This consideration of matrimony alone is sufficient to throw into bold relief the importance of the third condition mentioned above. After the baptism of the convert, the unbaptized spouse must be asked, whether he (she) is also willing to be converted and receive baptism or whether at least there be willingness to live peacefully with the convert without injury to the Creator. These questions are commonly referred to as the interpellations and a negative reply to them constitutes departure: "Quod si infidelis discedit, discedat: non enim servituti subiectus est frater, aut soror in huiusmodi: in pace autem vocavit nos Deus."[4] In the eyes of the Church the question of departure is a matter of such gravity that she does not permit the persons concerned to proceed arbitrarily in establishing the fact of moral or physical departure. In fact, the Church has always inculcated and insisted upon the necessity of putting two specific questions to the consort remaining in infidelity, unless she has declared otherwise in a particular case or by general ruling. Her mind, as crystallized from constant practice, is clearly manifested in Canon 1121: "§1. Antequam coniux conversus et baptizatus novum matrimonium valide contrahat, debet, salvo praescripto can. 1125, partem non baptizatam interpellare: 1° An velit et ipsa converti ac baptismum suscipere; 2° An saltem velit secum cohabitare pacifice sine contumelia Creatoris. §2. Hae interpellationes fieri semper debent, nisi Sedes Apostolica aliud declaraverit."

The question raised here is not merely a speculative one, but has vast practical repercussions, as may be concluded from a decision handed down by the Supreme Sacred Congregation of the Holy Office only a little over a year ago:

*Baltimoren.*—Iosephus acatholicus non baptizatus Aliciam acatholicam non baptizatam in matrimonium duxit d. 18 iunii 1923. Mense iulio 1927 Alicia Iosephum deseruit et d. 18 ianuarii 1928 divortium civile

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[3] *Sess.* XXIV, *de Sac. matrim.*

[4] *I Cor.* 7:15.

obtinuit; causa, a Iosepho allegata, fuit incompatibilitas; ab Alicia autem defectus sustinentiae ex parte viri. Utraque pars negat discrimina in re religiosa ullo modo causam fuisse separationis atque utraque negat eo tempore sibi fuisse in mente catholicam fidem amplexari. Iosephus in catholica Ecclesia fuit baptizatus die 11 februarii 1930. Iosephus duxit in matrimonium quandam conversam ad catholicam Ecclesiam, nomine Shirley, coram sacerdote catholico in missa nuptiali die 1 martii 1930 in dioecesi S. Pauli, ubi Iosephus nunc habitat. Nullae factae fuerunt interpellationes pro Paulino privilegio utendo; nulla obtenta fuerat dispensatio ab interpellationibus. Alicia nunc dicit tempore unionis inter Iosephum et Shirley, se noluisse cum Iosepho reconciliari et cum illo vitam coniugalem restituere.

Nunc petit Shirley ut matrimonium cum Iosepho invalidum declaretur propter vinculum iam existens matrimonii inter Iosephum et Aliciam, ut matrimonium validum in Ecclesia catholica ineat.

Nunc quaeritur: 1) Num matrimonium inter Iosephum et Shirley invalidum haberi possit propter impedimentum invalidans vinculi prioris. 2) An debeat matrimonium inter Iosephum et Aliciam haberi solutum in favorem fidei ex privilegio Paulino ac proinde debeat matrimonium inter Iosephum et Shirley haberi validum.

Fer. IV, die 21 februarii 1945, Emi ac Revmi Patres decreverunt: Constare de nullitate matrimonii.

The decision rendered in this case is but the last link in a long chain of similar pronouncements emanating from the Holy See. The interpellations are regarded as the means naturally and regularly ordained to obtain evidence of the fact of departure and hence may not be disregarded or ignored. The presumption that a separated infidel will not return to his converted partner, on the basis of incompatibility of temperament, misunderstandings, frequent disagreements, and continual wrangling experienced between the couple before breaking off cohabitation, is not admitted as a reason justifying exemption from the necessity of the interpellations.[5] Roman documents make it clear that the obligation of making the interpellations does not cease even in cases where they would be impossible, or entirely useless and superfluous, or connected with serious perils or great hardships to the converted spouse or to others; circumstances such as these will at most but furnish sufficient grounds for asking the competent authority to grant a dispensation from them. Accordingly either the duty of the inter-

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[5] S. O., Nov. 23, 1769, *ad* 2 (*Font.* IV, n. 825, pp. 103 f.).

pellations must be complied with scrupulously or a dispensation must be sought also when the unbeliever's refusal to be converted or live peacefully is known with certainty beforehand from indubitable channels, such as statements made and duly certified, divorce and subsequent marriage;[6] or when the infidel has left for parts unknown and all means of locating him have proved futile;[7] or when the mere formality of putting the questions would reveal the presence of Christians in a certain locality with consequent danger of suffering molestation or afflictions or open persecutions;[8] or when, owing to peculiar circumstances, the infidel spouse can be questioned only with great difficulty;[9] or when there is a founded fear that a pagan husband, who had once before sold his wife, would again presume to sell her, were he to regain possession of her.[10]

To forestall abuses in a matter that is so sacred and so easily open to hallucinations and the promptings of passion, the Holy See takes these and all cases that would appear to offer a good cause for a dispensation from the interpellations out of the hands of private individuals and reserves judgment to itself. In an instruction to the Archbishop of Quebec the Holy Office has declared: "Missionarios enim latere non debet Benedictum XIV (de Syn. Dioec., lib. 6, cap. 4; et lib. 13, cap. 21) 1. non satis tutam in praxi appellare opinionem illam, quae ponit iudicialem interpellationem licite omitti posse quoties aut fieri reipsa nequit, aut, si fieret, nullius utilitatis fore reputatur; 2. ipsumque in ea esse sententia, quam et fuisse memorat sententiam S. C. Concilii in quadam *Florentina* (17 Ianuarii 1822), nimirum: etiam in casu quod coniux infidelis in longinquas abierit regiones, aut ita latitet ut interpellari nequeat, adhuc opus esse dispensatione Summi Pontificis, cuius est declarare in quibusnam circumstantiis desinat obligare praeceptum divinum quo praedicta interpellatio videtur iniuncta. Iudicio autem remittitur episcoporum in illis missionibus versantium quibus facta sit facultas huiusmodi concedendae dispensationis, decernere in casibus particularibus, an concurrant urgentes eae circumstantiae ob quas dispensandum sit ab interpellationis obligatione."[11] From what has been said, obviously only one conclusion may be drawn, that the law of interpellations as formulated and enunciated in can. 1121, §2, is general and universal in character, based upon the presumption of common danger,[12] and hence admits of no exceptions whatsoever: "Hae interpellationes fieri semper debent, nisi Sedes Apostolica aliud declaraverit."

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[6] S. O., Nov. 23, 1769, *ad* 3; Aug. 11, 1859; June 18, 1884; S. C. de P. F., March 5, 1816, *ad* 3; March 20, 1836 (*Font.* IV, n. 825; 954; 1088; VII, n. 4697; 4762).

[7] S. O., Aug. 1, 1759, *ad* 3; Sept. 16, 1824, *ad* 3 (*Font.* IV, n. 810, p. 90; n. 866, p. 146).

[8] S. O., Nov. 23, 1769, *ad* 4 (*Font.* IV, n. 825, pp. 103 f.).

[9] S. O., Nov. 29, 1882, *ad* 1 (*Font.* IV, n. 1075, pp. 391 ff.).

[10] S. O., Nov. 23, 1769, *ad* 1; Nov. 29, 1882, *ad* 2 (*Font.* IV, n. 825; 1075).

Some authors enquire: whence is the obligation necessitating the interpellations derived; is it of divine ordinance or of purely ecclesiastical origin? The S. C. de P. Fide, when directly interrogated, ignored the question and merely took occasion to inculcate the need of scrupulously carrying out the law as now expressed in can. 1121 §2.[13] In the passage quoted from the text of the instruction to the Archbishop of Quebec, the Holy Office insinuates that the obligation is of divine right: "declarare in quibusnam circumstantiis desinat obligare *praeceptum divinum quo praedicta interpellatio videtur iniuncta.*" Elsewhere, in a later reply to a query about the obligation to interpellate a pagan wife forcibly detained by her creditor or second husband, this same Congregation more directly decreed: "Conversum de quo agitur, si non est legitime ab Apostolica Sede dispensatus, *teneri ex divino praecepto ad faciendam in praesenti casu una vice interpellationem alteri coniugi;* posse autem eam facere pluries ex mera charitate. Expleta autem a converso *hac divinitus iniuncta conditione,* si pagana uxor ad ipsum non redierit intra iustum aliquod et rationabile spatium, posse praefatum conversum, licite et valide alias inire nuptias cum muliere tamen christiana, dummodo vir non sit causa impedimenti quo mulier detineatur."[14] The quoted texts, it should be noted, do not warrant the conclusion that, according to the Holy Office, the interpellations are of divine origin in each and every case; on the contrary, when, in the former passage, it explicitly states that the Pope is empowered to declare under what circumstances the divine precept ceases to oblige, it implicitly admits also that there are instances where the law of interpellations will retain its force by ecclesiastical ordinance only. On the other hand, the fact that the Supreme Pontiff may and does at times dispense from the interpellations is no proof that the law is purely ecclesiastical in origin. For there are other instances in which the Pope certainly dispenses, at least in the wider sense of the term, from moral bonds induced by divine ordinance, as is the case of vows and the bond of a ratified and non-consummated marriage. The words of the Holy Office could not be construed to mean more than that ordinarily or regularly, but not always, the law carries with it an obligation *ex iure divino.*

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[11] Sept. 16, 1824, *ad* 3 (*Font.* IV, n. 866, pp. 146 ff.).

[12] Canon 21.

[13] March 5, 1816, *ad* 1 (*Font.* VII, n. 4697, pp. 225 ff.).

[14] June 12, 1850, *ad* 1 (*Font.* IV, n. 910, pp. 186 f.).

Authors who hold to the immediate divine institution of the Pauline privilege will find no difficulty in accepting this interpretation. For if the privilege as such is of divine institution, then also the departure, required as a *conditio sine qua non* for its use, must be equally of divine ordinance; but departure, being radically an internal fact depending entirely upon the free will of the unbeliever, can regularly and ordinarily only be verified by the interpellations. Hence the interpellations will ordinarily be ordained likewise *ex iure divino* as a means to obtain certainty of the fact of departure. When, however, this fact has been ascertained with certainty by other means, the divine law to exact the interpellations ceases and in that case the ecclesiastical law still intervenes and remains operative to urge the necessity, as was shown above. Those authors who profess the opinion that the Pauline privilege is of apostolic origin will logically maintain also that the obligation to make the interpellations is of apostolic or ecclesiastical right only. In practice the difference between the two views is of no great consequence, for since the law is based upon the presumption of common danger, all writers are unanimous in upholding its binding force in all cases without exception, as in the parallel case of the marriage banns, until a dispensation has been obtained.

In the Baltimore case related *in extenso* above, neither of the spouses was baptized at the time of marriage in 1923. Later, in July, 1927, Alice deserted her husband Joseph and in January, 1928, she sued for and obtained a divorce from him on the plea of non-support, which Joseph countered with incompatibility of character. Religion was no item in the fortunes of this marriage and neither of the parties had any intentions of embracing Catholicism at the time of separation. But two years later, on Feb. 11, 1930, Joseph received baptism in the true faith and within a few weeks, March 1, 1930, he married Shirley, a Catholic, without either interpellations or dispensation from the interpellations. The recent divorce, in which Alice was the petitioner, is in itself sufficient evidence of the wife's departure; in fact, even now she declares that she was, at that time, recusant as to both reconciliation and resumption of conjugal life with Joseph. We have, therefore, moral certainty that both conditions required for the use of the Pauline privilege were fulfilled at the time of Alice's non-baptism and of her physical departure. Yet the Sacred Congregation unhesitatingly decreed: "Constare de nullitate matrimonii."

The decision is worth while pondering over and may cause surprise in some quarters. Indeed it was and is common doctrine that, as long as the fact of the infidel's departure remains doubtful, the interpellations or a legitimate dispensation from them is a prerequisite for valid use of the Pauline privilege. In other words, the omission of the interpellations and dispensation, if the departure of the non-baptized spouse was not otherwise clearly established or known with certainty, unfitted and disqualified the convert for the use of the Pauline privilege. Hence under these circumstances the law respecting the interpellations is considered by all as a *lex irritans aut inhabilitans.*[15] But it may be asked: does this remain equally true in the event that the fact of the infidel's departure was known beforehand with certainty? Does the law exact the interpellations or a dispensation from them under pain of invalidity even when the unbeliever's physical or moral departure is no longer open to doubt? Or is a second marriage contracted by a convert, who illegitimately, that is to say without dispensation, failed to make the interpellations when the departure was known as a certain fact, to be regarded *post factum* as valid? One might urge that at least here the legal maxim might be invoked with more than a mere semblance of truth: "Eum qui certus est, certiorari ulterius non oportet."[16]

Some authors of repute advance the opinion as probable that marriage entered upon under these circumstances is valid despite the neglect of the interpellations.[17] Their argument is thus set forth by Cappello:

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[15] Canon 11.

[16] R. 31, R. J. in VI.

> Si discessus coniugis infidelis est *certus,* et interpellatio *illegitime* i. e. sine declaratione S. Sedis omissa fuerit, secundum matrimonium partis fidelis *invalidum* videtur, et quidem, ut opinamur, *ex solo iure positivo Ecclesiae,* quae partem conversam in tali casu facit inhabilem ad novas nuptias ineundas. Hoc ante Codicem verius erat ex responsionibus SS. CC. Hodie ex Codice item verius videtur; nam c. 1121 §1, dicit: 'Antequam . . . *valide* contrahat'. Attamen fatendum, id non esse certum et indubitatum, quia argumentum *decisivum* colligi nequit ex responsionibus SS. CC. et ex canone citato, quippe qui loquitur *in genere* de necessitate interpellationum, non autem *in specie* de casu in quo interpellationes sint prorsus inutiles aut impossibiles. Unde si, in hac hypothesi, matrimonium celebratum fuisset a coniuge converso, interpellationibus omissis, standum interim foret, ad normam can. 1014 et 1127, pro valore coniugii, et statim recurrendum esset ad S. C. S. Officii.[18]

One or the other adds that, if the legislator intended the law to have an inhabilitating force, he could easily have said so by adding *ad valorem* in §2: "Hae interpellationes fieri semper *ad valorem* debent, nisi . . . ." Vromant is bold enough to assert that this opinion is safe to hold in practice. Applying the legal principle, "generi per speciem derogatur," he teaches that the general presumption of can. 1014, in favor of the first marriage, must yield to the specific provision of canon 1127 in favor of faith, and concludes that the second marriage is to be regarded valid and hence no recourse to the Holy See is necessary.[19]

It is hard to see with what plausibility the text of the canon lends itself to such an interpretation. One might simply retort by saying that the law is general and, since the legislator makes no exception, exceptions are not admissible: "Legislator quod voluit expressit, quod noluit tacuit" and "ubi lex non distinguit, nec nos distinguere debemus." The wording of the law, as enunciated in §1, is so clear that one could hardly expect a greater limpidity of presentation and expression and, precisely because of this precision, authors generally hold the interpellations to be necessary *ad validitatem* in all cases and under all circumstances. Even at first blush it is evident that the burden of §1 is directly to inculcate the necessity of the interpellations: "debet . . . partem non-baptizatam interpellare . . ." and this the text states to be required for the validity of the subsequent marriage, "Antequam coniux conversus et baptizatus novum matrimonium *valide contrahat*." Nor is it at all necessary that a special clause invalidating contraventions be added in §2, in order that its irritant force be maintained. For the juxtaposition of this §2 with §1 under the same canon 1121 sufficiently indicates that the two paragraphs are closely interrelated and that the interpellations, referred to in §1 and there declared necessary *ad valorem,* are always to be carried out unless dispensed with: "Hae interpellationes fieri semper debent, nisi Sedes Apostolica aliud declaraverit."

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[17] *E.g.,* Cappello, *De matrimonio,* 4th ed., n. 777; Chelodi, *Ius matrim.,* 4th ed., n. 158, 2°; Payen, *De matrimonio,* 2nd ed., II, n. 2355; Vermeersch, *Theol. mor.,* III, n. 818; Prümmer, *Manuale theol. mor.,* III, 8th ed., n. 673; Wernz, *Ius decret.,* IV, n. 703, 72 n.; Wernz-Vidal, *Ius matrim.,* 2nd ed., n. 632, 68 n.; Vromant, *De matrimonio,* 2nd ed., n. 316, 318, 2.

[18] *De matrimonio,* 4th ed., n. 777.

[19] *De matrimonio,* 2nd ed., n. 316, 318, 2.

The intrinsic reason for the law touches a matter of the greatest importance. It deals with a determinate mode of dissolving a legitimate marriage bond, which was engendered by a mutual bilateral contract and is *per se* indissoluble. It would be enormous to attempt unilaterally such a grave interference in the established order and to allow an interested party to pass on to another marriage even in exceptional cases without the warrant of a formal interpellation of the other consort concerned: *inaudita altera parte.* The law, as pointed out above, is based upon presumption of common danger and for that reason its obligation is never lifted, even in a particular case, except by legitimate dispensation. Such a dispensation is granted either by general enactment of law under the conditions specified and particularized in the three Constitutions mentioned in canon 1125, or by concession of the Holy See through its organ, the Holy Office, in individual cases directly or through powers conferred by indult upon ordinaries in missionary territories subjected to the S. C. de Prop. Fide.[20] But apart from such a dispensation the obligation remains, and that, as seen from §1, binds under penalty of invalidity. Because of the intimate interplay between the divine and ecclesiastical law in this matter, Ordinaries would be unwarranted in availing themselves of canon 81 to dispense from the interpellation even in urgent cases.

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[20] *Index facultatum, form. tertia maior,* n. 24-27; *item, form. tert. min.,* n. 23-26.

The aforesaid canon is no innovation, but an exact reproduction of the previous legislation. In accordance with the prescription of can. 6, n. 2, it should then also be interpreted in the light and on the authority of the pre-code discipline. A few official declarations may be instanced to show the mind of the old law. The Holy Office, on July 4, 1855, after having pointed out that good faith or invincible ignorance may indeed excuse from culpability but never from the irritant efficacy of a nullifying law, proceeds: "Hinc si quis transeat ad alias regiones, et ibi edoctus et baptizatus uxorem duxerit christianam, omissa debita interpellatione primae legitimae uxoris, eam facere tenetur, nisi adsint illae causae dispensandi prout in Synodo Sutchuensi cautum legitur."[21] The decision is generic in effect and draws no distinction as to whether the departure of the pagan spouse be known and certain beforehand or not. In another case where an unbaptized husband, having abandoned his infidel wife abroad, had received baptism and married a Christian without interpellations and mention of his first marriage, the same Congregation decreed:

> Ex deductis subsistere primum matrimonium; ideoque R. P. D. Vicarius Ap. orator curet, modo prudentiori quo fieri potest, partes ad se vocare ad deducenda sua iura et, si nihil in contrarium repererit, redire obliget ad primum coniugium. Insuper idem Vicarius Apostolicus suos missionarios hortetur ut opportune instruantur sive catechumeni, sive neophyti, de obligatione quam habent interpellandi coniugem in infidelitate relictum, antequam ad alia vota transeant, neque ad illa ineunda admittantur nisi propriam libertatem prius comprobaverint.[22]

Also here the decision was given without distinguishing whether the wife's attitude as to departure and possible refusal to rejoin her husband had been known or not. Again during the Korean persecution it happened that neo-converts, in using the privilege of faith, had neglected to interpellate their partners remaining in infidelity, "licet in pluribus casibus haec interpellatio esset vel forsan necessaria vel saltem dubiae obligationis." The Congregation declared: "Quo vero ad matrimonia contracta quin solito modo interpellatio coniugis infidelis praecesserit, vel ab ea dispensatio fuerit obtenta, Vicarius Apostolicus ex facultate, quae benigne ei conceditur, dispenset ab interpellatione facienda et *omnino procuret consensum renovandum;* in quibus autem casibus hanc renovationem pro nunc fieri non posse iudicat, sileat si putati coniuges sint in bona fide."[23] The Congregation orders all marriages to be sanated without distinction, although the doubt clearly implies that in some cases the interpellations were useless and superfluous. If the opinion of those writers, who hold that the omission of the interpellations will not invalidate a subsequent marriage in cases where the departure is certain, had any foundation, the Congregation should have excepted at least these marriages from its sweeping mandate.

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[21] *Font.* IV, n. 931, pp. 203 ff., *ad finem.*

[22] June 20, 1858 (*Font.* IV, n. 947, pp. 222 f.).

Similarly the S. C. de Prop. Fide was asked as follows: "Utrum ad effectum matrimonii dissolvendi iuxta privilegium in favorem fidei . . . interpellatio partis in infidelitate perseverantis sit de iure divino, atque adeo necessaria ut, ea neglecta, nullus plane habeatur matrimonii dissolvendi locus; an solum pertineat ad formam iudicialem, nec requiratur nisi ut dissolutio licite fiat, praesertim cum aliunde constat, *indiciis moraliter certis,* alterum coniugum nec fidem amplecti, nec sine contumelia Creatoris velle cohabitare." It should be noted that the doubts proposed specifically contemplate and include also our case: whether the interpellations could be dropped as a mere judicial formality required for the lawfulness only but not the validity of the dissolution, particularly when evidence of the fact of departure was at hand by other means, *"indiciis moraliter certis."* The Congregation simply exacted the interpellations or, if the cause warranted it, an apostolic dispensation under penalty of invalidity, saying that otherwise there was no room for a dissolution of matrimony: "Non esse locum dissolutioni matrimonii in infidelitate contracti, in casu de quo agitur, nisi interpellatione praemissa, aut nisi obtenta, legitimis ex causis, super interpellatione apostolica dispensatione."[24] And when in the same context it was further asked whether the fact that a pagan had solemnly divorced and expelled his wife before the local chiefs could be substituted in place of the interpellations, "cum certissime constet de istius mariti voluntate, illum nempe praefatam mulierem

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[23] Sept. 11, 1878, *ad* 1 (*Font.* IV, n. 1057, pp. 379 f.).

[24] March 5, 1816, *ad* 1 (*Font.* VII, n. 4697, pp. 225 ff.).

nullo modo in posterum uxorem velle habere; an potius, nulla repudii habita ratione, in iis etiam circumstantiis, duplex in iure *praescripta ad validitatem dissolutionis matrimonii* requiratur interpellatio," the Congregation replied: "Faciendam esse interpellationem, etiam in casu de quo agitur, si fieri possit, aut recurrendum esse ad Sedem Apostolicam pro obtinenda dispensatione."[25]

In an instruction published in 1883 the same Congregation teaches:

> Si matrimonium acciderit cum parte catholica post baptismi susceptionem, erit inquirendum, utrum praecesserit coniugis adhuc infidelis canonica interpellatio, aut saltem a legitima potestate fuerit super eadem interpellatione dispensatum. Quatenus constiterit de facta interpellatione aut de illius dispensatione, primum matrimonium nequit amplius constituere vinculum secundum connubium irritans; quatenus vero neque interpellatio neque eiusdem dispensatio praecesserit, primum matrimoium obstabit quidem secundo, sed ordinarius iudicium suspendere debebit, et casum cum omnibus suis circumstantiis ad S. Sedem remittere, quae ipsi ordinario quid faciendum sit, indicabit.[26]

The selfsame passage was incorporated verbatim into a more recent instruction issued on Feb. 18, 1929, to regulate the mode of procedure in matrimonial causes for China.[27] There is no reason for surprise in that the Congregation orders cases from a territory subject to its jurisdiction to be referred to Rome, although the marriage was manifestly invalid through neglect of interpellations and dispensation; for, in doing so, it evidently wished to reserve judgment to itself whether the case should be finally settled by dispensation from the interpellations and renewal of consent (sanation), or by dissolution of the previous bond by vicarious authority (the Petrine privilege), or by declaration of nullity of the second marriage, or by dissimulation and silence. It is true that there is one case on record which would seem to favor the opposite opinion. A pagan, after having been converted with his second wife, was induced by a missionary to renew the marriage consent in the prescribed form without interpellating his first consort, because "ipsis inutilis visa est interpellatio, cum tunc clare constiterit de voluntate prioris uxoris." The Sacred Congregation gave the following answer: "Attentis circumstantiis in facto concurrentibus, coniuges de quibus agitur, non esse inquietandos."[28] Yet this reply is no proof that the marriage was considered valid; it will equally admit of the explanation that the Congregation, after due dispensation from the interpellations, applied a sanation *in radice* and hence the parties are not to be disquieted.

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[25] *Ibid., ad* 3.

[26] N. 45 (*Font.* VII, n. 4901, pp. 479 ff.).

[27] N. 43, *apud* Vromant, *De matrimonio*, 2nd ed., pp. 350 ff.

The eminent canonist Gasparri makes the statement:

> Nonnulli magnae auctoritatis canonistae putaverunt legem interpellationum non urgere, si iam *constet* de discessu infidelis seu de eius negativa responsione ad utramque quaestionem eorumque sententiam Benedictus XIV dicit communiorem. Licet haec sententia speculative vera videatur, tamen Ecclesia, ne abusus irreperent in re tanti momenti, eam nunquam probavit, imo expresse declaravit etiam hoc in casu interpellationes esse faciendas, aut dispensationem ab eisdem petendam esse.[29]

It belongs to the exclusive competency of the Supreme Sacred Congregation of the Holy Office to settle doubts touching the meaning, orbit, and application of the Pauline privilege.[30] Guided by its style and practice it has never wavered in the practical interpretation of the law. Although fully conversant with the speculative doubt and controversy raised by some authors, it has persistently clung to and, *data opportunite,* asserted its mind that canon 1121 exacts the interpellations under pain of invalidity in all cases unless a dispensation has been obtained. It regards this interpretation as certain and it has never swerved from it in practice, also under the discipline of the Code, as is evidenced by decisions of recent date, the latest of which being the Baltimore case. Inasmuch as its authoritative interpretation of canon 1121 is unquestionable, whatever may be said or thought about the doctrinal opinions and arguments bandied about among authors, the ordinary may declare the second marriage null and void by reason of a previously contracted and still validly enduring bond, whenever in the use of the Pauline privilege sufficient proof is produced to show that the interpellations were omitted without a legitimate dispensation.

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[28] March 5, 1787, *ad* 2 (*Font.* VII, n. 4615, pp. 167 f.).

[29] *De matrimonio,* 1932, n. 1142.

[30] Can. 247, §2; 1962.

# SIMULATED CONSENT

## PART I

*(N.B. The case itself, and the characters named and portrayed, are entirely fictional, being used only to illustrate procedure.)*

"Father Wall, my pastor, said if I would come and see you,[1] you would get my marriage annulled for me," said the young woman as Fr. Brown introduced himself.

"Well, after what happened in his janitor's case[2] I'm not so confident of my ability as to say that," modestly rejoined the young priest. "What's the case about?"

Sitting forward on the edge of her chair there in the parlor of the rectory while Fr. Brown placed his finger-tips together and looked serious, Mary Carson told how she had met John Holmes in the office where they both worked, and how she had been so strongly attracted to him that she had not been able to control her feelings. As a result she had been indiscreet and later had discovered that she was going to have a baby.

When she told John about this he was very worried. She finally swallowed her pride, as he continued to give her evasive answers, and begged him to marry her for the sake of the child. He avoided even that direct appeal, saying that he could not do it right away because he had to go on a trip. He would be back before the baby would be born, he assured her, and they would be able to fix it up at that time. She was distraught, and wanted the marriage immediately, but he promised at last that he would not be away long, and she believed him.

It was with a shock that she learned later from a friend that John was not coming back at all, that he had already enlisted before she talked to him for the last time, and that the real reason he had gone away was that he had been under orders to report.

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[1] Cf. Instruction to be observed by diocesan tribunals in handling cases of nullity of marriages, S.C. Sacr., Aug. 15, 1936, *AAS*, XXVIII (1936), 313 (Bouscaren, *Canon Law Digest*, II, 471-530; Doheny, *Canonical Procedure in Matrimonial Cases*), hereinafter cited by articles, Art. 43, §1.

[2] Cf. *The American Ecclesiastical Review*, CXIII, 5 (Nov. 1945); also CXIV, 1-3 (Jan.-Mar. 1946).

Mary became panic-stricken at that and threatened to do away with herself. She found out where John was stationed for training and wrote to him threatening to commit suicide if he did not return to marry her and give the baby a name. She also wrote to John's commanding officer begging him to make John come home and marry her.

Not long after that John came home on a furlough and she waited around until he was unable to avoid speaking to her. He then told her that his commanding officer had said that he could go home and marry the girl if he wanted to, but that he did not have to. She got the impression that he felt the officer would make it tough for him if he did not marry her, and for that reason had applied for a furlough and had come home. He said that he would marry her and give the baby a name, but that he did not want to live with her. He would marry her if she would agree to get a divorce as soon as the baby was born. Again swallowing her pride for the baby's sake, Mary agreed to the conditions he imposed and went with him to the license bureau and then to a Justice of the Peace. The marriage was performed quietly, and they went their separate ways.

Her mother, of course, found out about her condition and demanded to know who was the father of the child. Mary showed her the marriage certificate and the mother breathed a sigh of relief, until she remembered to look again at the name of the person who had performed the ceremony. Then she hit the ceiling. The very idea of her daughter getting married out of the Church! What was the matter with the girl? She had had a good Catholic education, and now she had done this! The marriage would have to be fixed up in Church at once!

All this, however, was easier said than done. First, it would be necessary to persuade John to retract his stipulation that Mary was to get a divorce as soon as the baby was born. Then, it would be necessary for him to take instructions, at least for a mixed marriage, since he was not a Catholic. Finally, it would be necessary for him to get a furlough to come home so that they could be married there in church, or else she would have to go where he was stationed to be married.

Mary did not feel that she could tell her mother about the condition placed by John that she was to get a divorce as soon as the baby was born. She had heard her mother too often talking about other Catholic girls who had got divorces. There was another girl in town who had been married by a Justice of the Peace and then had got a divorce and Mary's mother had been sharply critical of Fr. Wall for allowing the girl, "a divorced woman," as she had called her, to receive Holy Communion.

Mary wrote to John telling him what had happened at home and imploring him to take instructions from the chaplain on his new station and to marry her in the Church in order to satisfy her mother. He replied at first that he did not want to be married over again. Having gone through the ceremony before the Justice to give the baby a name, he felt that he had done all that she could expect him to do. After all, if she was going to get a divorce as soon as the baby was born there was not much sense in getting married over again. As she continued her barrage of frantic letters, however, he agreed to talk things over with the chaplain whom by that time he had met and whom he considered a great guy. His letters began to sound as if he was impressed by that chaplain and even interested in the Church, to some extent, at least.

Her mother was somewhat mollified when Mary told her that John was going to have a talk with the chaplain. Now she would be able to tell the other ladies in her bridge club that her daughter's husband was taking instructions and was going to join the Church. Mary, herself, did not expect that he would do more than take the instructions for a mixed marriage; but her mother was convinced that John would join the Church.

Before John's instructions were complete Mary lost the baby and was very ill. John got a furlough when he heard about this and came home to be with her. She took this for an indication of love on his part, but some of her friends told her afterwards that after visiting her at the hospital early in the evening he would go out and run around with other women all night. Fortunately, she did not know of this at the time and tried to get well for his sake. Had she known of it, she would not have wanted to get well. She would have preferred to die.

At the end of his furlough, when she was out of danger, John returned to his station. In due time she was released from the hospital, and after staying at home until she got her strength back she left to visit John, more to get away from her mother's constant question, "When are you going to be married in Church?" than for any other reason.

At the station she met the chaplain, and learned that John had taken some but not all of the instructions for a mixed marriage. John did not seem very anxious to marry her even then, but when she asked him repeatedly he said that he would go through the ceremony. They then approached the chaplain together, and he hurriedly finished the instructions and applied for a dispensation. At that time Mary did not as yet know of John's running around with other women while she was in the hospital, or she would certainly never have gone through with this ceremony.

They were married, finally, in the little chapel on the station and John got a pass so they could have a week-end together. Shortly after that he shipped out and she returned home. After he had been at sea for some time she received a letter telling her that he hoped she had had her fun, and that he was again suggesting that she get a divorce. He had never wanted to be married to her in the first place, he wrote, and had only felt he ought to do right by her and the baby. Then, after the baby was lost, he had gone on with it to help her get her mother to stop nagging at her. That was why he had gone through with it, but he had no intention of being tied to her for life, and she needn't think she could hold him. If she wouldn't get the divorce he would, but he thought she would prefer to get it as it would look better that way.

It was about this time, too, that she learned of what he had done while she lay so ill there in the hospital. She was so thoroughly disgusted at all that he had done that she braved her mother's anger and tears and got her divorce. Her mother might feel disgraced, but Mary had no intention of continuing to be married to a man like John.

Now, however, she was still young and not unattractive, at least some men thought she was nice enough to be asked out on dates, and with the boys coming home she wanted to have her marriage annulled so that if she should ever want to she would be able to contract a new marriage in Church.

A more experienced canonist might have tried to learn at this point whether she had any particular young man in mind and to whom she had talked about her case before coming to see him. This, however, was the first case which had been brought to Fr.

Brown directly. Heretofore he had always worked with some one else in the preparation of cases, but now it looked as if he had on his hands a formal case of simulated consent.

Those cases of simulated consent were difficult, but with a good basis on which to go, and a lot of work, he would be able to win it for this poor girl and prove himself an expert in the handling of marriage cases. The man had so obviously wronged the girl that it should not be hard to convince the court that he had never intended to contract a real marriage with her. She was so sincere and straightforward in her presentation of the story that the judges could not help but believe her testimony. Then, too, there was the interference on the part of her mother, which both the girl and the man had felt. That should count for something, a lot, maybe. There were witnesses, too, to his conduct in running away the first time, and in running around with other women while she was in the hospital. They would prove he did not really want to be married to this girl. The chaplain, too, should be able to testify as to the man's attitude while he took the instructions. It would probably not be hard to prove that he had had no real intention of going through with the religious ceremony of marriage, and the one before the Justice of the Peace was obviously null on the grounds of defect of form. The chaplain must have noticed something funny about the situation when they came to him to see about the dispensation. All in all, it looked like a good case.

"I shall be glad to help you in this matter. If you will give me some time to look up the law and prepare the petition for the court handling marriage cases in your diocese[3] I shall mail it to you to be signed. Then you can send it back to me and I shall see to it that it is presented to the court for action."

"How long will it take, Father?"

"Well, that I can't say, off-hand, but we shall try to keep things moving as fast as we can. Much will depend on the number of cases ahead of yours to be handled, and on the speed with which we can get the testimony of the witnesses. By the way, can you give me now the names and addresses of the witnesses whom we can call for your side of the case? If you can, that will help to speed things up. It will make a better impression on the court, too, if they can see right from the start that we have witnesses to prove what you say in your petition. You'd better give me John's address, too."

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[3] Cf. Art. 1; 2.

Mary Carson gave him the names and addresses of those who knew about her relations with John Holmes, and about her marriage to him before the Justice of the Peace. She gave him, too, the names and addresses of her mother, and of the girls who knew what he had done that time when she was in the hospital. Finally, she gave him the name of the chaplain who had officiated at the religious ceremony. John, she said, was in a hospital convalescing. That she should know the address did not strike Fr. Brown as odd. He was too interested in getting it.

As Fr. Brown started to draw up Mary Carson Holmes' bill of complaint to be filed in the court of the diocese[4] of her domicile[5] he stopped short. She was married, and her domicile would be that of her husband,[6] and he was living in another diocese. She was, however, separated from her husband and so had at least a quasi-domicile of her own.[7] It would be all right, he could bring the suit before the tribunal of her quasi-domicile, especially since she was a Catholic and her husband was not.[8] Then he recalled that there was an Instruction of the Sacred Congregation of Sacraments with regard to cases brought in the diocese of quasi-domicile.[9] He would have to check that before going any farther.

Further thought on the matter convinced him that it would not be hard to persuade the court that the bill was properly presented in the diocese of Mary's quasi-domicile. Even though the marriage had been contracted elsewhere the people who would be witnesses in the case lived in the diocese where he proposed to file the bill. Furthermore, both she and her husband had lived there most of their lives. The place where they had been married was one in which very few people knew them or anything about them. After all, to prove that John Holmes had not really meant it when he said, "I will," it would be necessary to have testimony as to his background and that could come, in reason, only from those who had known him for a long time. All these people lived in the diocese in which Mary lived.

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[4] Cf. Art. 3; 12.

[5] Cf. Art. 4; Can. 92-95.

[6] Cf. Art. 6.

[7] Cf. Commission for the interpretation of the Code of Canon Law (hereinafter cited *CIC*), July 14, 1922, *AAS*, XIV (1922), 529; Bouscaren, *Canon Law Digest*, I, 796 f.

[8] Cf. Art. 6, §§2, 3.

[9] Cf. Art. 5; S.C. Sacr., *Instr.* Dec. 23, 1929, *AAS*, XXII (1930), 168; Bouscaren, *Canon Law Digest*, I, 797-801.

When the bill of complaint was presented to the court, duly signed by Mary Carson Holmes and Fr. Brown, together with her appointment[10] of him as her attorney-in-fact,[11] which the court approved since he could easily respond to any summons and was also her attorney-at-law,[12] the *Officialis*[13] called in the Defender of the Bond[14] to consider the case presented by this bill of complaint.

Noting that the marriage had been contracted outside the diocese, the Defender suggested[15] that there should be a preliminary hearing, a sort of incidental question[16] decided, as to the right of the tribunal of this diocese to proceed with the case.[17] The *Officialis,* therefore, called in one of the notaries[18] and had him prepare a summons to Fr. Brown and the Defender of the Bond to appear before the tribunal three days thereafter to show cause why the bill should or should not be accepted in the diocese of the quasi-domicile of Mary Carson Holmes.[19] He also instructed the notary at this time to advise the two pro-synodal judges[20] whose turn it was to sit with him to hear a case that they should appear for this preliminary hearing.[21]

The members of the Tribunal, as well as the Defender of the Bond and the notary were all permanent members of the diocesan court and consequently had taken their oaths of office at the time when they were first appointed[22] by the Bishop after careful consideration of their personal qualifications for the offices.[23] Fr. Brown, too, had taken his oath when he was first admitted to practice before the tribunals of this diocese,[24] so there was no need for oaths to be administered at this preliminary hearing, except as to the witnesses who were summoned to help the court decide whether it should take the case or leave it to the court of the diocese in which the contract had taken place.

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[10] Cf. Art. 49.

[11] Cf. Art. 44; 47, §1.

[12] Cf. Art. 43; 47, §4; 49; 60.

[13] Cf. Art. 14, §2; Can. 1573; Art. 68.

[14] Cf. Art. 15, §1; Can. 1586; Art. 70-71.

[15] Cf. Art. 72.

[16] Cf. Art. 187-195; Can. 1837-1841.

[17] Cf. S.C. Sacr., *Instr.,* Dec. 23, 1929, *AAS,* XXII (1930), 168.

[18] Cf. Art. 17; Can. 1585.

[19] Cf. Art. 192.

[20] Cf. Art. 13, §1; Can. 1576, §1, 1°; 1892, 1°.

[21] Cf. Art. 14, §4; Can. 1574; 1576, §1, 1°; *CIC,* July 28, 1932, *AAS,* XXIV (1932), 314; Bouscaren, *Canon Law Digest,* I, 742.

There seemed to be every reason why the case should be tried in the diocese in which it had been brought. To make doubly sure, however, and to give the bishop of the place where the marriage had been celebrated a chance to express his opinion whether the case was being presented to the court of the diocese of quasi-domicile in fraud of his court, a letter was sent to him indicating the result of the investigation on this point in the tribunal where the bill was presented.[25] In the meantime the publication of the interlocutory decree deciding this incidental question was postponed until such time as a reply should be received from the bishop of the other diocese. When Fr. Brown objected that this might delay the decision on the bill, whether it should be accepted or not, for more than a month,[26] the court over-ruled his objection observing that the fact that such notice to the bishop of the place where the marriage had been contracted was required by law would prevent this from being "undue delay."[27]

When the letter from the bishop of the diocese where the contract had been entered reached the *Officialis* he learned that the only information they had in the case was that a dispensation had been granted *"super impedimento mixtae religionis et ad cautelam disparitatis cultus,"* after the necessary promises had been duly signed.[28] The marriage had taken place too soon after the detailed

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[22] Cf. Art. 20; Can. 1621, §1.

[23] Cf. Art. 21.

[24] Cf. Art. 53; Can. 1658, §2.

[25] Cf. S.C. Sacr., *Instr.*, Dec. 23, 1929, *AAS*, XXII (1930), 168.

[26] Cf. Art. 67.

[27] *"Non est in mora qui potest exceptione legitima se tueri."— Reg. 60, R.J. in VI°.*

[28] Cf. Can. 1061.

Instruction as to pre-nuptial investigations had been issued,[29] for them to have the questionnaires, such as were available for later marriages in that diocese, containing among others the answers of the parties as to their willingness or reluctance to contract the marriage in question. The bishop had questioned the pastor in whose parish the station was located, but the latter had not been able to furnish any information about the couple. The chaplain who had officiated at the ceremony had been transferred and was no longer at that station; so, unfortunately, they were not able to contribute much information which would help the court in handling the case. The bishop was quite willing, since there was so little information available in his diocese, to have the court of the wife's quasi-domicile proceed with the case. Thus no dispute as to competency arose,[30] and the court of Mary's diocese could proceed to fix its competency to the exclusion of others by summoning the respondent, John Holmes.[31]

The judges then met and issued their interlocutory decree that the case could be heard in the diocese of Mary's quasi-domicile.[32] They agreed at the same time that the *Officialis* should act as *ponens* or *relator* in the case.[33] It was decided at this time, too, that Fr. Williams, one of the pro-synodal judges, should act as *auditor*[34] whenever it might be necessary, to keep the case going by summoning[35] and hearing[36] witnesses and in general building up the case.[37] The whole panel of judges expected, of course, to be present at the hearing of each witness, but they foresaw that something might arise which would prevent the *Officialis,* or the other pro-synodal judge from being present, and they wanted to make certain that the case would proceed without interruption.

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[29] Cf. S.C. Sacr., *Instr.,* June 29, 1941, *AAS,* XXXIII (1941), 297; Bouscaren, *Canon Law Digest,* II, 253-76.

[30] Cf. Art. 10.

[31] Cf. Art. 11; Can. 1568.

[32] Cf. Art. 193.

[33] Cf. Art. 22; Can. 1584.

[34] Cf. Art. 23; Can. 1580; 1581; S.C. Conc., *Resol., Wratislavien.,* Dec. 14, 1918, *AAS,* XI (1919), 128; Bouscaren, *Canon Law Digest,* I, 97 f.

[35] Cf. Can. 1715, §2.

[36] Cf. Can. 1773.

[37] Cf. Art. 24; Can. 1582.

Fr. Brown had seen who the members of the tribunal were when he argued before them the incidental question whether the case should be heard in this diocese. He had no exceptions to make against any of them, nor had the Defender of the Bond.[38]

The tribunal, therefore, had before it a bill of complaint in regular form[39] signed by one of the parties to the marriage.[40] Like any other bill in ecclesiastical procedure, it expressed: (1) the tribunal before which the case was to be tried; (2) what was asked, i.e., that the marriage contracted at ——— on the fourteenth day of December, 1941, be declared null on the grounds of simulated consent on the part of the respondent; (3) the right on which the petitioner relied for such a declaration (Can. 1086, §2); and (4) the names and addresses of Mary Carson Holmes, her attorney-at-law and -in-fact Fr. Brown, and the respondent, John Holmes. With the bill was a list of names and addresses of the witnesses offered by Mary Carson Holmes for her side of the case.[41] Fr. Brown had seen to it, too, that a picture of Mary, authenticated by her pastor, Fr. Wall, was ready to be presented with the bill as a means of identification.[42] He had likewise handed to the notary the letters which Mary had received from John Holmes, together with her certificates of baptism and marriage, and her decree of divorce.[43]

The Defender of the Bond now moved to have the bill of complaint dismissed on the grounds that: (1) Mary Carson Holmes was not shown not to be the culpable cause of the impediment;[44] and (2) that the grounds alleged for the nullity were such that consent of the respondent would be sufficient to remove the cause of nullity.[45]

Thus, another incidental question was raised, which was argued as the previous one had been. At the conclusion of this discussion the court issued another interlocutory decree to the effect that since it did not appear on the face of the complaint that Mary Carson Holmes had caused John Holmes to withhold his consent to a true marriage, she could not be prevented from presenting her case to this tribunal for adjudication. From a study of the letters of John Holmes already in the hands of the notary, the court concluded that the Defender's second ground of objection was equally without weight, for it appeared clearly from the letters that the respondent had no desire to continue to be married to Mary Carson Holmes, wherefore it would be useless to delay action in order to ask him whether he would now live with her as husband and wife.

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[38] Cf. Art. 26-33.

[39] Cf. Art. 34; Can. 1970; Art. 55, §2; Can. 1706.

[40] Cf. Art. 35, §1, 1°; 37; 57, 5°.

[41] Cf. Art. 59; Can. 1761, §1.

[42] Cf. Art. 58; S.C. Sacr., *Instr.*, March 27, 1929, *AAS*, XXI (1929), 490; Bouscaren, *Canon Law Digest*, I, 792 ff.

[43] Cf. Art. 59; 60.

[44] Cf. Art. 37, §1.

[45] Cf. Art. 65, §1.

When the members of the tribunal thus decided to accept the bill of complaint, they ordered summons to issue to the respondent, John Holmes.[46] This summons, signed by the *Officialis* as presiding judge, bearing the seal of the court, and attested by the notary,[47] indicated that John Holmes was commanded to appear before the tribunal of the Diocese of———, at——— Street, in the City of———, at 10:00 A. M. on the tenth day of January, 1946, to answer to a certain complaint filed by his wife, Mary Carson Holmes, in which it was alleged that their marriage had never been valid because the respondent had not given true matrimonial consent at the time of the ceremony in the presence of the chaplain and two witnesses.[48] The presiding judge ordered that the bailiff[49] send an authentic copy of the summons, with a copy of the complaint attached, to the respondent by registered mail, with return receipt requested to prove that it had been duly delivered to him.[50]

The return receipt came back immediately from the hospital in which John was convalescing, and not long thereafter the *Officialis* received a very friendly letter from the man in which he said that he was sorry if Mary was having trouble with her Church about her marriage to him and that he wished to do all that he could to help her. He hoped they would forgive him if he did not appear before their court at the time specified, because he was unable to leave the hospital at the present time and it looked as if he would be there for some time to come.[51] If, however, there was anything he could do he would be glad to help out. While he was not a Catholic himself, he had had several buddies who were and he had a lot of respect for the Church and he knew how much it meant to Catholics to be in right with their Church. He certainly did not want to stand in Mary's way.

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[46] Cf. Art. 74, §1; Can. 1711, §1.

[47] Cf. Art. 76, §2; Can. 1715.

[48] Cf. Art. 76, §1.

[49] Cf. Art. 18.

[50] Cf. Art. 80; Can. 1719.

This would take careful handling, thought the Defender of the Bond, when John's letter was shown to him. Collusion would have to be obviated and that would not be easy. His questions to the parties and to their witnesses would have to be thought out with special care. If they were antagonistic to one another, one party would help to reveal the weaknesses in the case made out by the other. If one at least was indifferent there would be but one side of the case to be scrutinized with particular care. In the present instance, however, when one party wanted the declaration of nullity and the other wanted to help her all that he could it would be necessary to proceed very carefully and to be on guard at all times against manufactured evidence.[52]

Since the respondent had indicated his willingness to submit himself to the jurisdiction of the court, so that the case was under way,[53] it was time to proceed to the joinder of issue in the case.[54] For this purpose the presiding judge summoned the attorney of the petitioner, Fr. Brown, as well as the Defender of the Bond to appear in court to settle on the issue.[55] A letter was also sent to John Holmes, to inform him of this next step in the case, just as the Defender and Fr. Brown had been informed of the original summons to the respondent when a copy of that summons was sent to them.[56]

Holmes replied, in acknowledging receipt of this summons, that he did not care to choose any one from the list of approved attorneys of the diocesan court,[57] which had been enclosed in the letter to him that he might be able to choose a local representative, if he did not have to. He had no real complaints and just wanted to be helpful in so far as he could. The Defender of the Bond, therefore, was clearly left as the only one to oppose the declaration that this marriage was null and void, and to see that there was a real contest before the tribunal.

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[51] Cf. Art. 115.

[52] Cf. Art. 70, §2.

[53] Cf. Art. 85; Can. 1725, 1°, 2°, 5°.

[54] Cf. Art. 87; Can. 1726.

[55] Cf. Art. 74; 88.

[56] Cf. Art. 74, §3; Can. 1712, §3; Art. 15, §2; Can. 1587.

[57] Cf. Art. 53.

On the appointed day Mary Carson Holmes appeared in court with Fr. Brown. The Defender of the Bond was also present. The judges sat at their raised dais while the *Officialis* announced[58] that unless there was something to be said to the contrary the issue in the present case would have to be: Whether the nullity of the marriage on the grounds of simulated consent is proved in the present case.[59] Since there was obviously nothing else to be discussed in the present instance, both sides agreed to this formulation of the issue and withdrew after being advised by the *Officialis* that the tribunal would begin hearings five days later. Mary Carson Holmes was summoned to appear at that time by the bailiff, who handed a summons to her then and there.[60]

On the fifth day, then, Mary Carson Holmes, the petitioner presented herself with Fr. Brown at the Chancery Office. He went with her to the court-room and watched while she took the oath to speak the truth.[61] Then he withdrew, for the Defender of the Bond objected to his remaining in the court-room during the hearing, lest there be some pre-arranged signals as to the answers which should be given to the questions put to the party by the court.[62]

(*To be continued*)

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[58] Cf. Art. 92; Can. 1729, §§2, 3.

[59] Cf. Art. 88.

[60] Cf. Art. 79, §1.

[61] Cf. Art. 96.

[62] Cf. Art. 128.

# OUR LORD'S PRESENCE IN THE CATHOLIC CHURCH

The central, the most important fact about the Catholic Church, that which primarily differentiates it from every other religious organization on the face of the earth, is the living presence of Jesus Christ Our Lord within it. This actual indwelling of Our Blessed Lord within the society which He founded is the great and essential glory of the Catholic Church. It is the basic reason why the Catholic Church can be and should be accurately designated as the true Church of Jesus Christ, the Kingdom and the City and the House of God. Because the fellowship and the company of Christ are to be found within this, the society of His disciples, our present Sovereign Pontiff, in his masterly encyclical *Mystici Corporis,* could correctly insist that "nothing more glorious, nothing nobler, nothing surely more honorable can be imagined than to belong to the Holy, Catholic, Apostolic and Roman Church."[1]

Certainly no man can begin to realize what the Catholic Church really is until he considers it in the light of the living presence of Christ within it. Unless we become aware of the fact that Our Lord actually resides within the Church, any designation of this society as the Mystical Body of Christ or as the Spouse of Christ is bound, for all intents and purposes, to be practically meaningless to us. Furthermore, in order to love the Church as we should love it, we must also take cognizance of Our Lord's abiding life and activity within it. Pope Pius XII reminds us of this in that section of the *Mystici Corporis* in which he exhorts us to love the Church. "In order that such a solid and undivided love [of the Church] may abide and increase in our souls day by day, we must accustom ourselves to see Christ Himself in the Church. For it is Christ who lives in His Church, and through her teaches, governs and sanctifies."[2]

Catholics today, subject as they are bound to be to the influence of the propaganda and the attitudes of the world around them, are in some danger of failing to appreciate the complete reality of Our Lord's presence within the visible Catholic Church. Amidst the turmoil of pressure in favor of "inter-faith" movements and the like, there is an almost inevitable tendency to imagine that Christ is in the Church only in a kind of imaginary or metaphorical way. That unfortunate tendency is sometimes aided and increased by books and instructions which, though otherwise creditable, constantly persist in employing metaphors and other figurative expressions in dealing with the Church's relations to Our Lord. For one reason or another, modern men and women are inclined to discount as imaginary or unreal, and therefore as basically unimportant, any subject which is presented to them in predominantly metaphorical terms.

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[1] *Acta Apostolicae Sedis,* XXXV (1943), 237.

[2] *Ibid.,* 238.

Failure to appreciate the full reality of Our Lord's presence within the Catholic Church is responsible for one unfortunate and even dangerous phenomenon in modern religious writing. This is the habit of placing the true Church of Jesus Christ, if not on a level with other religious societies, at least in the same general class with these outside organizations. In some cases this tendency resolves itself into the essentially Protestant tactic of imagining the existence of an invisible church, an assembly of good-intentioned men and women of all religions, which is supposed to constitute the true Mystical Body of Jesus Christ.

Likewise forgetfulness of the fact that Christ *really* lives and acts within the Catholic Church leads to the mistaken but unfortunately all-too-prevalent belief that the essential difference between the Catholic Church and other religious societies is to be found in the fact that the Catholic Church teaches the entirety of religious truth while these other organizations present only a portion of it. Such a difference does in fact exist, but it is by no means the ultimate and essential distinction. In the last analysis the real reason why the Catholic Church is something apart from and superior to all of the other religious societies in the world is to be found in the fact that Our Lord actually dwells within this Catholic Church and within it alone. Within this society, and in no other way, do we find the fellowship of Christ, our God and our Redeemer.

### CHRIST IN HIS CHURCH DURING HIS PUBLIC LIFE

It is quite impossible to appreciate the reality of Our Lord's presence within the Church today unless we consider carefully His position within the society of His disciples prior to the time of His ascension into heaven. The fact of the matter is that, although

Christ's sacred body is now *located* in heaven, and hence in a *place* far remote from that in which His followers do His will in this world, the basic and essential relation of the Church to Our Lord remains unaltered. He lives and acts in the Church, He speaks to the world from out of the Church, in essentially the same way today as He did during the period intervening between His baptism by John the Baptist in the Jordan and His ascension into heaven.

The Catholic Church, the Kingdom of God in the New Testament, started out as a band of disciples or learners, gathered around and ruled by Our Lord, acting in His capacity as the Teacher of the divinely revealed public revelation. Men and women were admitted to this group only by personal invitation, issued by Our Lord Himself. The company had neither reason for nor bond of corporate existence apart from Christ. He was not merely present within the group, but the company itself was seen and understood preeminently in terms of its association with Him. Looking back on the days of Our Lord's public life, St. Peter could refer to the original members of the band as those "who have companied with us, all the time that the Lord Jesus came in and went out among us, beginning from the baptism of John, until the day wherein he was taken from us."[3]

Knabenbauer notes that the Greek words *εἰσῆλθεν καὶ ἐξῆλθεν* which the Douai renders as "came in and went out" constitute an authentic Hebraism, found in many sections of the Old Testament.[4] The expression signifies an intimate and continual association. The Greek *τῶν συνελθόντων ἡμῖν*, rendered as "who have companied with us," involves another form of the word *ἔρχομαι* and gives point to the truth that not only the twelve, but the rest of the company of the disciples as well, were continually in the presence of the Master. Thus the Church was originally, as it is now, the group of men and women in the company of Christ.

Long before the ascension, however, Our Lord taught His disciples that He would be present among them even while they were in a *place* remote from that which He occupied. To the seventy-two whom He sent on a preaching mission during the course of His public life He said: "He that heareth you heareth me."[5] That notice, as it stands, contains far more than the mere declaration that these men were appointed as His representatives. It implied that these preachers who had received their mission from Him within His Church actually spoke to the people with His voice, in such a way that the persons who heard them listened to the voice of Christ.

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[3] *Acts* 1:21-22.

[4] Cf. *Commentarius in Actus Apostolorum* (Paris: P. Lethielleux, 1928), p. 36.

Not only did Our Lord speak in and through the disciples whom He commissioned to preach in His name, but He habitually spoke to the multitudes from the midst of the disciples, who formed a group apart. Both St. Matthew and St. Luke make this clear in describing the setting of the Sermon on the Mount. St. Matthew tells us that "seeing the multitudes, he went up into a mountain. And when he was set down, his disciples came unto him. And opening his mouth, he taught them."[6] St. Luke writes that "coming down with them [the twelve apostles], he stood in a plain place: and the company of his disciples and a very great multitude of people from all Judea and Jerusalem and the sea coast, both of Tyre and Sidon"[7] were there to hear Him. Our Lord spoke to the multitudes in parables. He explained these parables to the disciples.

Furthermore, during the course of Our Lord's public life, His enemies were so aware of the intimate union of the corps of the disciples with Him that they spoke in such a way as to hold Him responsible for the actions of His followers, the members of the Church, and conversely they considered the disciples responsible for Him. When the scribes and the pharisees saw Our Lord and His disciples partaking of the banquet which St. Matthew had given to celebrate his call to the company of Christ, they angrily questioned the disciples about Our Lord's conduct and about their own.[8] The question addressed to the disciples was answered by Our Lord Himself. Again, when the pharisees objected to the disciples' practice of plucking and eating grains of wheat on the Sabbath, Christ answered for them and defended them.[9]

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[5] *Luke* 10:16; cf. *Matt.* 10:40.

[6] *Matt.* 5:1.

[7] *Luke* 6:17.

[8] Cf. *Matt.* 9:11; *Mark* 2:16; *Luke* 5:30.

[9] Cf. *Matt.* 12:1 ff; *Mark* 2:23 ff; *Luke* 6:1 ff.

During the time of Our Lord's public life, then, He was not only locally present among His disciples, the men and women who then constituted the Catholic Church, the true Church of the New Testament, but He also worked within this group, teaching and ruling and sanctifying the society and its individual members. He taught them directly. He taught the multitudes, the people whom He was preparing for the call into the society of the disciples, in His capacity as the Head of the company of the disciples. Furthermore He taught the multitudes Himself in and through the preaching of the disciples.

Up until the time of the ascension Our Lord was the only visible Ruler of the company of the disciples. It is perfectly true that, as a part of the course of divine instruction which He gave to His followers, He promised and announced that Peter was to possess a real primacy of jurisdiction over his fellow disciples, but even then it was made perfectly clear to Peter and to the rest that the authority was to be exercised over the Church which would always belong to Christ.[10] Thus the governing authority which was promised to Peter was that of Christ's vicar on earth. Furthermore a definite social authority was promised to the entire membership of the apostolic college, but this, too, was something subject to the power of Peter within the Church of Christ.[11]

It was not, however, until just before the ascension that the jurisdiction which had been promised to the Prince of the Apostles and to the apostolic college as a whole was actually given by Our Lord.[12] Up until the moment of the ascension, the complete rule and direction of the society came visibly from Christ, visibly dwelling and working within that organization. Visibly and truly then, and invisibly though just as truly now, every order emanating from a superior within the Catholic Church was and is the command of Christ. Both the rule within the Catholic Church and the monarchical and hierarchical organization within which the followers of Christ are to be guided and sanctified until the end of time were the personal work of Our Lord.

Christ sanctified His society and its members, not merely by giving them the teaching of holiness, but by communicating the life of grace to the individual disciples within the Church and to the company itself as a whole. He, the Master and Lord, around whom the society itself was constructed, earned the remission of sins and the life of divine grace for men through His death on the cross. He brought that life of grace to His followers through the channels of that sacramental activity which He instituted within His Church. He gave His disciples the gift of newness of life, separating them from the world and sealing them to Himself through the Sacrament of Baptism which He inaugurated. He constituted that sign as the rite of initiation into His company in such a way that it was ready for use as a gateway into the Church and a departure from the generation ruled over by the prince of this world at the very moment of the Church's first missionary activity after the ascension.[13] Then and now it is Christ Himself who communicates the grace, and Christ Himself who is the principal agent of baptism. "The bodily ministry," said St. Augustine, "was the contribution of the disciples. His contribution was the aid of majesty."[14] He was present and He remains present to the Church in the work of baptism.

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[10] Cf. *Matt.* 16:18-19.

[11] Cf. *Matt.* 18:18.

[12] Cf. *John* 20:22-23; 21:15 ff.

As the perfective center of the sacramental system within the Catholic Church He instituted the Eucharistic Sacrifice. In this rite, which is preeminently the act of the Church as His Mystical Body,[15] He is truly, really, and substantially present under the accidents of bread and wine. Furthermore at every Mass He is present to His Church as the High Priest, offering this true and commemorative sacrifice through the instrumentality of His priest as the ultimate cohesive sign and force of the unity of His society. He was visibly and truly living in the Church when He instituted and first confected this Sacrament. He remains invisibly and no less truly living in the Church through this Eucharistic Sacrifice today. In His Sacerdotal Prayer, set forth in the seventeenth chapter of the Gospel according to St. John, He petitioned the Father that the assembly of the disciples might remain one with Him. St. Paul tells us that, even in Heaven, His prayer of intercession for us continues.[16]

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[13] Cf. *Acts* 2:41.

[14] *In Ioan.*, XV, c. 3.

[15] Cf. the article "The Act of the Mystical Body," *The American Ecclesiastical Review*, C, 5 (May, 1939), 397 ff, and the discussion occasioned by this article, *AER*, CII, 4 (April, 1940), pp. 306 ff.

[16] Cf. *Rom.* 8:34.

### THE DEPARTURE AND THE CONTINUED PRESENCE OF OUR LORD

With Our Lord's ascension into heaven a new status of the Church of Jesus Christ came into being. That society had been gathered together, organized, and conducted in the visible and local presence of its divine Founder. Now, with the ascension, that visible and local presence was taken away, not to be restored to the disciples of Christ as a complete society until that day when the Church will finally see Him again and forever at His second advent. The *place* in which Christ dwells locally is heaven. Since His ascension, as the epistles of St. Paul especially show so well, the Church on earth labors and struggles against its spiritual and earthly adversaries in order to enjoy the visible presence of Christ once again.

To sustain the society of His disciples during the period in which it suffers the loss of the visible presence of its divine Founder, He promised and gave to the Church the indwelling Spirit of Truth and Love.[17] This indwelling of the Blessed Trinity within the Catholic Church, appropriated by Our Blessed Lord Himself to the Holy Ghost, gives the Church the understanding and the fortitude requisite for its task of acting as the instrument of Christ in calling and aiding men to salvation and in overthrowing the efforts of the world against God. By reason of His divine nature Our Lord thus continues, though invisible, to reside within the Church, to guide and to instruct it, to sustain it and to give it strength. Moreover, in His human nature also, Our Lord remains within the Church. He told His disciples that they would see Him no longer,[18] but He also promised them that He would be with them until the consummation of the world.[19] The promise of His continued though invisible presence and the accomplishment of that promise were given to the disciples as Christ had formed them, organized into a society which is His Mystical Body on earth.

### THE INDWELLING OF CHRIST IN THE CHURCH ACCORDING TO HIS DIVINE NATURE

In His divine nature Christ is in all created things according to the three ways which St. Thomas Aquinas designates as essence, presence and power.[20] God can be said to be in all things in so far as He keeps them in existence, in so far as they are visible to Him and subject to His power. In this way Our Lord remains within the Church, sustaining it and preserving it for what it is and what He made it, His true Church and the sole ark of salvation on earth. He sees it, and He is available to the prayers of mankind. Since true prayer is essentially the petition of fitting things from God[21] and since a thing is truly fitting only if it is in line towards salvation and union with God in heaven, the divine work of hearing and answering prayers on earth is in itself a mode of indwelling within the Catholic Church.

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[17] Cf. *John* 14:16.

[18] Cf. *John* 16:10.

[19] Cf. *Matt.* 28:20.

This does not mean, of course, that only the prayers of those who are truly disciples of Christ and thus truly members of the Catholic Church are heard and answered by God. It is perfectly true that the prayer of the Church is always answered because this is, in the last analysis, the prayer of Christ Himself. But all true prayer has its efficacy from this central petition to God, and all true prayer is answered in so far as the essential and central good sought in the petition is concerned. This dominant petition is always for God's glory, to be attained through the granting of eternal life to men. Since, in the providence of God, eternal salvation or the attainment of eternal life is to be achieved only through association with Christ through membership in the Catholic Church or through the sincere desire for that association, the granting of the petition of prayer by God constitutes a divine indwelling in the true Church, drawing men to this society and strengthening them in its life and in its communion.

According to this same divine presence, through the power of God the Church is kept safe from the attacks of its enemies and preserved against the dissolution which would naturally be the lot of any merely human society. The divine protection accorded to the Church is in itself easily visible to mankind. As the recipient of this protection against the forces which naturally tend to overthrow and transform merely human organizations, the Church is visible in the world as a social miracle, and thus, according to the

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[20] Cf. *Sum. theol.*, I, q. 8, a. 3.

[21] Cf. St. John Damascene, *De fide orthodoxa*, III, c. 24, and the author's *The Theology of Prayer* (Milwaukee: The Bruce Publishing Co., 1939), pp. 1 ff.

Vatican Council, it stands as a true and perpetual motive of credibility and as a real witness of its own status as the bearer of divine revelation.[22]

There is one, and according to St. Thomas Aquinas, only one, distinctively supernatural and invisible mode of the divine indwelling. It is the divine presence according to the activity of sanctifying grace,[23] according to which God really dwells in those creatures whom He strengthens and renders competent to live the divine life of the Beatific Vision. In this way God is present to a man who is in a position to see God as He is in Himself, rather than merely to recognize the fact of His existence by a recognition of the truth that there must be a First Cause of created things. The man who lives the life of grace in this world possesses charity, and possesses the life to which the Beatific Vision itself belongs, even though, by reason of his status as a *viator,* he does not exercise the act of the Beatific Vision. Christ, as God, is present in every person who has this life of grace. It is the presence of which He was speaking when He told His apostles: "If any one love me, he will keep my word. And my Father will love him: and we will come to him and will make our abode with him."[24]

According to this intrinsically supernatural mode of divine presence, Our Lord lives within the Church, drawing men into it and strengthening them in its communion. Those who have the life of grace must be either members of the Church or sincerely, albeit perhaps only implicitly, intend to enter it. By dwelling in the souls of those who love Him and the Father, Christ thus lives really and actually within the visible society which He founded and over which He presides.

Moreover there is still another way in which Our Lord can truly be said to dwell within the Catholic Church according to the divine indwelling in line with the life of sanctifying grace. The life of grace and charity is more than a merely individual affair. It is something which has a corporate existence and a corporate expression. The corporate life of grace within the world is that divine charity of which the only authorized and authentic expression is the Eucharistic sacrifice. Although that sacrifice can be performed by a priest not in communion with the true Church, it remains properly and essentually the act of the Church, and the indwelling of Christ in the society of His disciples is thus the source of the Eucharistic liturgical activity, the visible sacrifice within the Church which is the expression and the manifestation of the invisible sacrifice of prayer and devotion and charity among the children of men.

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[22] Cf. *DB* 1794.

[23] Cf. *Sum. theol.,* I, q. 43, a. 3.

[24] *John* 14:23.

### THE INDWELLING OF CHRIST IN THE CHURCH ACCORDING TO HIS HUMAN NATURE

According to His sacred human nature, Our Lord remains truly though invisibly resident within the Catholic Church in governing, instructing, and sanctifying this society. He rules the disciples within the Church invisibly and directly. At the same time His divine teaching within the Church makes it perfectly clear that the judgments and the commands of the Church officers who hold their position by reason of the commission which He has given them are to be accepted by the disciples as His judgments and His commands. This presence of Christ in the Church as its supreme though invisible Ruler is the guarantee of and the reason for the Church's indefectibility. It is manifestly impossible that a society within which Christ governs until the end of time can ever lose its identity or the substantial character which He gave to it.

Now, as during the period of His public life in this world, the Church speaks to the world with the voice of Christ. He it is who teaches within the Church and who, from out of the Church, teaches and calls the men in the world. Furthermore Christ, truly present in the Church, perfects and authenticates the divine message which He preaches through the Church by sealing that doctrine with motives of credibility. St. Mark's Gospel says of the apostles that "they going forth preached everywhere: the Lord working withal, and confirming the word with signs that followed."[25] The presence of Christ teaching within the Church is the cause and the explanation of the Church's infallibility. It is obviously impossible for an institution within which Christ will dwell until the end of time and from which He teaches to do other than set forth His teaching accurately.

St. Clement of Rome in his epistle to the Corinthians speaks of

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[25] *Mark* 16:20.

Our Lord living in the Church as "the high priest of our offerings."[26] In His human nature He continues to sanctify the Church by communicating the life of grace in the channels of those sacraments which He instituted and of which, in His human nature, He continues to act as the principal agent. As the high priest forever, offering the sacrifice of the New Law, He effectuates and expresses the unity of that society which He holds in existence and over which He presides.

## OUR TWOFOLD BOND OF UNION WITH CHRIST

The classical Catholic ecclesiologists and more recently the Holy Father's encyclical *Mystici Corporis* speak of two different kinds of forces which bring us into union with Our Lord within the Church. The first of these, the so-called external or bodily bond of union, includes those factors which together constitute a man as a true member of the society of the disciples. The second, the internal or spiritual bond, is composed of those elements which go to make a man a living member of this society. Both of these bonds bring us into contact with Our Lord dwelling within the Catholic Church. The fault which vitiated many of the earlier twentieth century writings of the Mystical Body was an absolute neglect of the *external* bond of unity with Christ.

A man is joined to Our Lord within the Church by the external bond of unity when he has the profession of the true divine faith, the communication of the sacraments, and subjection to his legitimate ecclesiastical superiors.[27] The external profession of the true faith involves contact with Christ dwelling within the Catholic Church because it means the visible acceptance of that message which Christ teaches infallibly here and now within the Catholic Church and which men receive only from the Church. Communication of the divine sacraments is available only to one who has the baptismal character, and who, consequently, has been invited or called personally by Our Lord to enter into the company of His followers. Furthermore this communication is open only to those baptized persons who have not been cast out by the Church, and who have not abandoned that society which is the fellowship of Christ. Subjection to legitimate ecclesiastical superiors carries with it the acceptance of that authority which speaks and commands with the voice of Our Lord Himself.

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[26] Cap. 36, n. 1.

[27] Cf. St. Robert Bellarmine, *De controversiis christianae fidei adversus huius temporis haereticos,* Tom. I, *Quartae controversiae generalis,* Lib. III, *De ecclesia militante,* cap. 2 (Ingolstadt, 1586), col. 1264.

Through the internal bond of union within the Catholic Church we come into vital contact with Christ residing in the Church in the possession of faith, hope, and charity.[28] By faith we have in our own minds that truth which Christ comprehends as God in the divine understanding, which, as Man, He sees in the Beatific Vision, and which He preaches in the Church. Through Christian hope we long for the intuitive vision of the divine essence and for the visible presence of Christ which belongs to, and on the last day will be granted to, the Catholic Church within which He resides. By charity we love Christ who lives in our soul, and who gives us our love for God and our fellow men within the society of His disciples.

It is this life of Christ within the Catholic Church which makes this visible society a mystery of our faith. The mystery of the Church is, as it were, the center of the divine economy with mankind. The Church within which Our Lord lives and works is that visible organization within which bad members will be mingled with the good until the day of judgment. Yet it is the Church apart from which we shall not find Christ. Our Lord's presence within this visible society is not imaginary but real and active. "Wherever Jesus Christ is," said St. Ignatius of Antioch, "there is the Catholic Church."[29]

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[28] *Ibid.*

[29] *Ad Smyrnaeos,* cap. 8, n. 2.

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## Mission Intention

"An end to Christian Disunity as a Scandal to Unbelievers" is the Mission Intention for the month of July, 1946.

# Answers to Questions

## A QUESTION ABOUT THE MYSTICAL BODY

*Question:* In a recent work entitled the *Mystical Body of Christ,* by Dr. Friedrich Jürgensmeier, this statement appears: "Neither can one say that the mystical body is limited, in an actual sense, to those who belong visibly to the Church. As Christ is 'the Lamb which was slain from the beginning of the world' and our fathers before Him 'drank the same spiritual drink . . . Christ,' His members may be called those who live in inner, vital union with Him. This body of Christ extends beyond the boundaries of the visible Church, which is universal and includes an incalculable multitude from all nations and ages and religions, 'baptized and unbaptized, circumcised and uncircumcised, all those whose intentions are good and who maintain an inner communion with God and Christ' " (p. 49). What is to be said of the correctness of the doctrine expounded in this paragraph?

*Answer:* It is indeed regrettable that a statement like this appears in a work which is so excellent in many respects and which has received wide circulation among Catholics. For this statement, as it stands, cannot be reconciled with the doctrine propounded by Pope Pius XII, in the Encyclical *Mystici Corporis*: "Only those are really to be included as members of the Church who have been baptized and profess the true faith and who have not unhappily withdrawn from Body-unity or for grave faults been excluded by legitimate authority. . . . It follows that those who are divided in faith or government cannot be living in one Body such as this, and cannot be living the life of its one Divine Spirit. . . . It is clear, we think, how grievously they err who arbitrarily picture the Church as something hidden and invisible. . . . No, the Mystical Body of Christ is like Christ the Head and Exemplar of the Church, 'who is not complete if only His visible human nature is considered, or if only His divine invisible nature. . . . but He is one through the union of both and one in both' " (*Mystici Corporis, AAS,* XXXV [1943], 202, 223).

It might be urged in defence of the unfortunate presentation of a view that is no longer tenable, considering the Pope's clear statement, that the translation and approval of the book (in Germany) date from 1939, four years previous to the issuing of the *Mystici Corporis.* It is difficult to see, however, how this fact can justify the continued distribution of a work presenting incorrect doctrine on a vital point of ecclesiology.

## BLESSING OF SCAPULARS

*Question:* When a priest has received the faculty to bless and to impose the five scapulars with a single formula, may he consider as included in this the faculty to bless and to impose any one of these separately, with its own proper formula—for example, the scapular of Mount Carmel?

*Answer:* On the principle that the greater includes the less, a priest who has the faculty *benedicendi et imponendi quinque scapularia sub unica formula* may safely regard himself as empowered to bless and to impose any one of the five separately, using its proper individual formula. However, it is useful to note that the faculty to bless and to impose scapulars does not include a dispensation from the obligation of having the names of the recipients inscribed in the records of the particular religious orders with which some of the scapulars bring affiliation, such as the brown scapular of Our Lady of Mount Carmel. However, such a dispensation is sometimes given as a separate concession. Thus, by virtue of the quinquennial faculties, the bishops of our country can subdelegate priests to bless and to impose the five scapulars with a single formula "without the obligation of inscribing the names in cases of a great concourse of people during the time of spiritual exercises and missions" (*Faculties from the Sacred Congregation of Rites,* n. 7; cf. Bouscaren, *Canon Law Digest,* II [Milwaukee, 1943], p. 37). An even greater privilege is granted to priests who are members of the Missionary Union of the Clergy. They may not only bless and impose the five scapulars with a single formula, but they also have the faculty, without any qualification, of imposing these scapulars without the obligation of enrollment in the registers of the Confraternity.

## THE "Rh FACTOR" IN MARRIAGE

*Question:* What is the "Rh factor" which medical men are discussing today in connection with marriage and pregnancy? Some doctors claim that on account of this factor the intermarriage of certain persons should be forbidden. What is the Catholic attitude on this matter?

*Answer:* The term "Rh factor" had its origin in some experiments performed in 1940 by Drs. Landsteiner and Wiener, who injected the blood of rhesus monkeys into rabbits. As a result of these experiments it has become a widely accepted medical view that all individuals are born "Rh positive" or "Rh negative," and remain the same throughout life. The distinction is based on an element in the blood, independent of the various blood types hitherto recognized. When an "Rh negative" woman marries an "Rh positive" man, she may conceive an "Rh positive" child. In that event, if the blood of the child is communicated to the mother through the placenta there may be formed in her blood what are known as "Anti-Rh agglutinins," and if these in turn pass through the placenta to the fetus they tend to break down the red blood cells. This frequently results in the death of the child, either before birth or shortly afterward. When a woman has developed this condition in her blood in the manner described (or perhaps by a transfusion of "Rh positive" blood) she is permanently affected. In fact, the disease frequently becomes more severe with succeeding pregnancies, so that once a woman has lost a child in this way, the majority of subsequently conceived children fail to survive; if they do survive, they are likely to show evidence of brain damage. On the other hand, if the offspring is "Rh negative," it is not affected by the mother's condition.

The *American Journal of Public Health* (Feb. 1946, p. 105) places the number of stillbirths or child-deaths as a result of this factor as approximately 1 in 380 births. It asserts that at least ninety per cent of such deaths could be prevented if there were no matings between "Rh negative" women and "Rh positive" men. It presents the "eugenic" attitude toward the problem thus: "The question has been raised concerning the desirability of discouraging marriage between "Rh negative" women and "Rh positive" men. In one state legislature there has already been a bill proposed to make such marriages illegal, and at least one judge has found the inability of a couple to have children because of Rh incompatibility sufficient ground for divorce."

The Catholic Church is always willing to give consideration to any scientific findings that may promote the happiness and success of marriage, and give greater assurance of healthy offspring. It would therefore be commendable for young folks contemplating marriage to find out the particular type of their blood and to take this into consideration in selecting a life partner. Even if the unfortunate event just described happens in only one out of four hundred cases, some effort to prevent it is praiseworthy. But any form of legislation proposed to debar the marriage of persons whose blood is incompatible from the standpoint of the "Rh factor" should be opposed by Catholics. The exaggerated emphasis on "eugenics," as if this were the sole factor to be considered in marriage, is utterly at variance with Catholic ideals, as Pope Pius XI clearly pointed out in *Casti connubii.* The right to marry a person of one's choice is protected by the Church as something which may be restricted only for very grave reasons; and the slight probability that their offspring may not survive does not seem sufficient reason to prohibit by civil or ecclesiastical law the marriage of a couple who desire each other as life-partners, when, apart from the Rh incompatibility, no reason can be adduced why they should not marry.

Francis J. Connell, C.SS.R.

## THE *MISSA PRO POPULO* WHEN A FEAST IS TRANSFERRED

*Question:* The ruling about the *Missa pro populo,* as I understand it, is that if a feast requiring this Mass falls on a Sunday, one Mass takes care of the obligation, even if the feast in question has its Mass transferred to another day. I have in mind when the feast of the Annunciation was transferred because of its falling on Palm Sunday and the transfer of the Mass of SS. Simon and Jude when it fell on the last Sunday of October, the feast of Christ the King.

*Answer:* There is no doubt that when one of the days, on which there is an obligation of a *Missa pro populo,* falls on a Sunday, the double obligation arising from the Sunday and the feast is satisfied by the celebration of one Mass *pro populo.* This is the distinct provision of the *Codex Juris* (Canon 339, §2).

If, however, a feast of precept together with the obligation of hearing Mass and refraining from servile work is transferred to another day, then the obligation of the *Missa pro populo* is postponed to that day. Otherwise, the obligation remains on the day *from which* the feast was transferred (*Codex Juris,* 339, §3).

Applying this legislation to the case proposed, our conclusion, which is submitted *salvo meliori judicio,* is that the transfer of the feast from the Sunday on which it falls by accidental coincidence with its fixed day does not carry with it the transfer of the obligation of the *Missa pro populo* which is still satisfied by the one Mass on the Sunday involved. So, this year, though the feast of St. Matthias was transferred from its regular day, Feb. 24, because that was Sexagesima Sunday in 1946, another Mass for the people was not due on the day to which the transfer was made.

## *AD ABSOLUTIONEM CAPITULI*

*Question:* In the Breviary, the rubrics of the *Ordinarium,* giving the directions for the end of Prime, speak of a "Lectio brevis ad absolutionem Capituli." What *Capitulum* is here referred to? Surely, it has no reference to the *Capitulum* recited after the Psalms of Prime.

*Answer:* The reference, cited by the enquirer, is naturally not to the *Capitulum,* "Regi saeculorum," or "Pacem et veritatem," which immediately follows the Psalms of Prime. The chapter concerned in the direction for the conclusion of the hour of Prime is not a chapter in the sense of a verse of Scripture but a chapter in the meaning of a gathering of those assembled for the recitation of the office. According to Batiffol (*History of the Roman Breviary,* p. 85) it was once a monastic custom to follow the recitation of Prime with a meeting in the chapter-house. This assembly began with the reading of the Martyrology, which was followed by the versicle, "Pretiosa in conspectu Domini," and the prayer, "Sancta Maria et omnes Sancti," or some similar oration. Then the tasks of the day were assigned to the monks and the blessing of God invoked upon these duties with the triple "Deus in adjutorium" and the prayers which still follow in the Breviary at this place. Before dismissal, there was a short reading, the *Lectio brevis* of today, which is read "ad absolutionem Capituli," that is, at the conclusion of the morning meeting of the chapter.

## THE ORGAN AT THE ELEVATION AND AT BENEDICTION

*Question:* Is it correct to play the organ during the time of the Consecration and the elevations at High Mass or during the actual blessing with the ostensorium at Benediction of the Blessed Sacrament? Is it not more reverent to maintain silence in the church at these solemn moments?

*Answer:* There is no prohibition of playing the organ at either of the times mentioned by our questioner. As a matter of fact, the *Caeremoniale episcoporum* (Lib. I, Cap. xxviii, 9) directs the sounding of the organ during the elevations but *graviori et dulciori sono*. This is the Roman custom and at Papal Mass the famous silver trumpets play a solemn air at the elevation. The more usual custom with us is to preserve silence at this moment of the Mass but we cannot call it more reverent, in view of the direction of the official *Caeremoniale* and of the custom of Pontifical Mass by the Holy Father. The same is true of the actual blessing at Benediction of the Blessed Sacrament. We are here also more accustomed to silence broken only by the tinkling of the bell. In Rome, the bell is not rung at Benediction but the organ is played softly. Our practice of silence has the force of long-standing custom but it cannot be called incorrect to have the organ sound at the moment of the blessing with the Blessed Sacrament, though this is not the regular procedure in this country. We may remark, in conclusion, that the ringing of the bell at Benediction is nowhere prescribed but entirely a matter of custom.

## ST. MICHAEL AND THE ANGEL GUARDIANS

A reader has kindly sent us the text of the decree of the Sacred Congregation of Rites to which we should have referred in the January issue (p. 71) when we posed the question as to whether the feast of St. Michael and that of the Angel Guardians can be considered as *festa ejusdem personae*. The decree (No. 1885, Sept. 12, 1692) reads as follows:

"[In officio S. Michaelis Archangeli] dicendum, *Quorum festum colimus,* quia est festum omnium Angelorum, quemadmodum clare patet ex ipsis lectionibus et in oratione omnium Angelorum patrocinium imploratur."

## OBLIGATION OF REGULARS CONCERNING THE PATRON OF THE DIOCESE

*Question:* In this diocese the feast of St. Patrick is a double of the first class. The ordo of our community lists it as the patronal feast of the diocese. Now an argument has arisen in the community. Must we or may we celebrate this feast of St. Patrick as a double of the first class? The diocesan statutes simply say: "Sciant sacerdotes Festum Sancti Patritii ad ritum duplicis primae classis pro Nostra archidioecesi elevatum fuisse." Does this also include religious who have to follow their own ordo?

*Answer:* The definite reply to the above question depends upon whether or not St. Patrick is a principal patron of the diocese *in casu.* The case is regulated by the following decree of the Sacred Congregation of Rites (Feb. 28, 1914, IV): "Ordines, Congregationes, et Instituta proprio Kalendario gaudentes amodo celebrare tantummodo debent officia localia dedicationis et titularis ecclesiae cathedralis necnon *festa solemniora patronum principalium* ita ut non amplius teneantur ad officia alicui regno, provinciae, aut dioecesi concessa; neque ad officia localia quae adnexam habuerunt feriationem nunc autem habent suppressam."

## SHOULD WE REVIVE THE *MANDATUM*?

*Question:* Is special permission required to hold the ceremony of the washing of the feet on Holy Thursday in an ordinary parish church? The ceremony seems to be almost obsolete, except in religious communities, but it would make a striking addition to the Holy Week services if it could be held in our parish churches.

*Answer:* The *Mandatum,* or washing of the feet on Maundy Thursday, is still part of the official liturgy of the Church, included in the Missal among the ceremonies of Holy Week. It is true that the rubrics there regulating the function speak of the officiant as *Praelatus seu Superior* but it is only custom which restricts the ceremony to cathedral and monastic churches. However, the introduction of the *Mandatum* into a parish church would no doubt be the occasion of such great *admiratio populi* that it would be more prudent to refer the matter to the judgment of the bishop before including it on the calendar of Holy Week observances.

Where it is performed, Martinucci (Lib. II, Cap. xxv, 81 ff.) and ceremonial writers generally, *v.g.*, Fortescue (*The Ceremonies of the Roman Rite Described,* pp. 307, 314) recommend that the washing of the feet be not performed at the high altar but in a side chapel or in the sacristy. The Missal says nothing as to the number or quality of the subjects for the *Mandatum,* but liturgical authorities, following the *Caeremoniale episcoporum* (Lib. II, Cap. xxiv), designate thirteen poor men, dressed in white or in the habit of some confraternity. If performed in this country, we should select altar boys of the junior grade. The reaction of most priests to the introduction of the *Mandatum* would very likely be: *Nihil innovetur.*

## RINGS ON THEIR FINGERS

*Question:* Is there any authority for the wearing of a ring by a priest who is not a bishop or an abbot? If so, should this ring be a plain hoop of gold or one ornamented with a seal or even a stone?

*Answer:* A distinction must be made, first of all, between the wearing of a ring during the celebration of Mass and *extra Missam.* By the common law of the Church (*Codex Juris,* Can. 811, §2), only cardinals, bishops, and abbots may wear a ring at Mass unless the celebrant has an apostolic indult granting him this privilege. Certain prelates, *v.g.*, protonotaries apostolic, by virtue of the Constitution *Inter multiplices* of Pope Pius X, Feb. 21, 1905, wear a ring when pontificating, within certain restrictions which are laid down in that document.

In ordinary life, Canon 136, §2, of the *Codex Juris* legislates that clerics in general are not to wear a ring unless the use of it has been extended to them either *a jure* or by apostolic privilege. Cardinals, bishops, prefects apostolic, and abbots number the ring among their insignia both *infra et extra Missam.*

Moreover, all priests who possess the doctoral degree from a recognized ecclesiastical institution have the right to wear a ring but only outside of sacred functions (*Codex Juris,* 1378).

In all these cases, even the one last mentioned, the ring may be ornamented with a stone, precious or semi-precious. The simple band of gold, when worn by priests, is the mark of their membership in some religious society, like that of the Viatorian Fathers.

## THE PLACE FOR THE READING OF THE GOOD FRIDAY PASSION

*Question:* I am writing for a clarification of a point in the liturgy. It regards the reading of the Passion on Good Friday. We priests up here are very much confused as to where that Gospel should be read. The liturgical books all deal with solemn Mass and seem to contradict themselves when they do happen to mention a "sung Mass." The problem resolves itself down to this—when there is only one priest (and *no* deacon or sub-deacon) should he read the Gospel on the Epistle side or on the Gospel side? If on the Epistle side, should he go to the Gospel side to sing the last part?

*Answer:* The reply to the difficulty concerning the proper place for the reading of the Passion on Good Friday is provided by that too-little-known but official liturgical book, the *Memoriale Rituum* of Benedict XIII, which deals with the ceremonies of Holy Week, and of Candlemas Day and Ash Wednesday, in churches which have but one priest and hence where these functions must be conducted without deacon and sub-deacon. This authoritative source directs, concerning the Passion on Good Friday (Tit. V, Cap. ii, 10, 11):

(1) The entire Passion, including the *Munda cor meum,* and the concluding portion, beginning *Post haec autem,* is to be read by the celebrating priest without moving from the book at the Epistle side.

(2) If this concluding portion, that which is to be chanted in the usual tone of a Gospel, is *sung* instead of merely read, this is to be done at the Gospel side, the priest pausing in the middle to say the *Munda cor meum.*

(3) If the Passion is sung by three deacons, the celebrant conducts himself as at solemn services, reading the entire Passion, including the final section, *Post haec autem,* and the incidental *Munda cor meum,* standing at the book at the Epistle corner.

(4) Should the Passion be sung with the celebrant taking the part of Christus, the only role which he may assume, then he chants his lines from the Gospel side of the altar table, the two deacons, who sing the other parts, remaining on the floor of the sanctuary in the accustomed place for singing the Gospel.

## SOLEMN VOTIVE MASS DURING EASTER WEEK

*Question:* When a newly erected parish church receives the simple Blessing of a church by the bishop on the Wednesday of Easter Week, what Mass is to be sung after the Blessing? If, in the above case, the Mass of the titular of the church is to be sung, what Preface is the correct one and does the *Ite missa est* have the double *Alleluia* or not? Also, will there not be a commemoration of the Wednesday within the Octave (only) and its Gospel as the Last Gospel of the Mass?

*Answer:* The Mass to be said following the blessing of a church is a Solemn Votive Mass of the saint or mystery in whose honor the church has been blessed. This Mass is governed by the regulations which apply to Solemn Votives generally (*Rituale Romanum,* Tit. VIII, Cap. 27, 12).

Since the Wednesday of the Octave of Easter does not exclude the celebration of a Solemn Votive Mass, in the case proposed the Mass will be that of the titular, whether saint or mystery, of the church which has just been blessed. There will be a commemoration, *sub distincta conclusione,* of the Wednesday of Easter Week, whose Last Gospel, being proper, will be read at the end of the Mass. The selection of the Preface will follow the usual rules. If the Votive has a proper Preface, that will be sung, otherwise the Paschal Preface. The proper *Communicantes* and *Hanc igitur* will be said but the double *Alleluia* will not be added to the *Ite missa est.* It is understood that this Mass must be *in cantu* to enjoy the privileges which are attached to Solemn Votive Masses (cf. Wapelhorst, 60, 61, 68).

WILLIAM J. LALLOU

### SEEING CHRIST

We have seen that it is comparatively easy to recognize Christ in the Priest and the Saint. In the Priest He sacrifices; in the Saint He is transfigured—or, rather, transfigures humanity once more with his own glory. And the only difficulty in recognizing Christ in the Sinner is the same as that which makes it hard to see Him in the Crucifix.

—Msgr. Robert Hugh Benson, in *The Friendship of Christ* (New York Longmans, Green and Co., 1920), p. 93.

# Book Reviews

THE THIRD DAY. By Arnold Lunn. Westminster, Md.: The Newman Bookshop, 1945. Pp. xlii + 177. $2.75.

Mr. Arnold Lunn's latest book is an attempt at a popular presentation of the evidence for the resurrection of Christ. He has recognized the tremendous force of this most important single argument in the traditional Apologetics of the Church, and his exposition of it is vigorous and satisfying.

Arnold Lunn believes in reasoned argument. He is rightly indignant at the too-comfortable excuse of more reticent Catholics that "nobody is ever converted by argument." This formula, he remarks, is "as popular with Christians as it is unknown among politicians and political canvassers" (p. xix); and he points out that "Communists and atheists do not act on the principle that no Christian can ever be *perverted* by argument" (p. xxix). He is also a firm believer in taking the offensive: "Christian apologists are too apologetic. They should insist on their opponents defining their own beliefs, for nothing is easier than to show that whatever be the difficulties of the Christian position they are trivial indeed compared to the difficulties of all rival solutions" (p. 147).

After a largely biographical introduction, Mr. Lunn considers in order: the "scientific" approach to the miraculous; modern miracles; the internal and external evidence for the historicity of the Gospels, with special chapters devoted to Luke and John; the divinity of Christ; and the fact of the resurrection. The final chapters point out the impossibility of a "Christianity" which would exclude miracles, and discuss briefly the phenomena of spiritism and extra-sensory perception.

To the classical arguments for miracles and for the resurrection, the author brings a fresh and stimulating approach, enlivened by the pointed wit and confident good humor that mark all his works. His treatment of the "collective hallucination" hypothesis is particularly well done. (He does not seem, however, to have appreciated the full impact of the testimony of St. Paul.)

*The Third Day* is not, and was not meant to be, a substitute for Felder or L. de Grandmaison, and it can hardly be judged by the same rigid standards. But even for a "popular" work such as this, some readers might well wish that the author had been a bit more detailed in his references, and less inclined to trust, for parts of his exposition, secondary works. Although in unimportant details that do not affect the substance of his argument, these have a few times played him false. And in one instance (Haldane's "historical argument" on p. 13) Mr. Lunn's instinct for carrying the attack to his adversaries seems to this reviewer to have led him into a somewhat inaccurate presentation of his opponent's case.

There are a few typographical errors, but we noticed only one that distorts the sense of the passage: surely the sentence on p. xxvi, "In defiance of his faith he appealed, not to reason but to personal experience," should read, "In defence of his faith . . ."

Minor criticisms, however, should not be understood as impugning the essential worth of *The Third Day*. Priests who are some years removed from their seminary Apologetics course will read it with interest, profit, and enjoyment. It is an admirable book to recommend to a prospective convert.

E. D. BENARD

MORAL THEOLOGY. By Rev. Heribert Jone, O.F.M.Cap., J.C.D. Translated and adapted to the Code and customs of the United States of America by Rev. Urban Adelman, O.F.M.Cap., J.C.D. Westminster, Md.: The Newman Bookshop, 1945. Pp. xx + 634. $3.00.

In view of the numerous ethical problems that are arising at the present day, works on moral theology which give special attention to matters on which the confessor is most likely to be questioned are a definite contribution to the practical phase of the sacred sciences. From this standpoint, Fr. Jone's handbook deserves high commendation, for it proposes a solution of many of the cases which the priest engaged in the pastoral ministry, particularly in the United States, is likely to encounter nowadays. For example, it treats of such matters as the various nervous diseases and the responsibility of the actions placed by persons who suffer from them (nn. 29-37), the obligation of a citizen to vote (n. 205), the period of time required for prescription of property in the different States (n. 276), the amount of restitution to be made if a thief retained stolen goods at the time of inflation (n. 341), and the ecclesiastical laws concerning the censorship and the prohibition of books (nn. 397-403). There is an excellent treatment of the conditions required for the ordinary and for the extraordinary form of the marriage ceremony (nn. 729-740).

However, as would be expected in a book which specializes in brevity, the treatment of some subjects is quite inadequate. Thus, a priest desirous of finding out whether a Catholic girl may be a bridesmaid at a Protestant marriage in a particular case, would not receive much enlightenment from the statement: "In general, it is unlawful to be best man or bridesmaid at a marriage performed by a non-Catholic minister" (n. 125). The matter of artificial fecundation is treated in two sentences, which evidently refer to the use of this procedure by a married couple (n. 749). Nothing is said about the modern practices of the fecundation of a married woman with the co-operation of a "donor" who is not her husband. Less than nine pages are devoted to the important treatise on conscience, and the author, while adopting the system of Probabilism, makes no attempt to present his arguments for this system or to evaluate any of the other systems accepted by Catholic moralists (nn. 85-95).

Objection can be taken to some of Fr. Jone's solutions. For example, he states that some authors hold that a wife may procure complete satisfaction either immediately before or immediately after coition when the husband withdraws in an onanistic manner (n. 752). It would seem that a distinction should be made. That a wife may procure satisfaction beforehand, even though she foresees that her husband intends to withdraw, is quite probable; that she may do so after he has withdrawn in an onanistic manner is commonly denied by theologians (cf. Merkelbach, *Summa theologiae moralis* [Paris, 1939], III, n. 952). The statement that the pre-nuptial promises in the case of a mixed marriage affect children previously born of the couple seeking marriage (n. 694) does not harmonize with a decree of the Holy Office, given on Jan. 16, 1942, to the effect that these promises *per se* include only children to be born *(AAS,* XXXIV [1942], 22). In speaking of the dispensation from fast and abstinence given to the members of the armed forces of the United States (n. 387), the author evidently refers to a dispensation that was formerly granted, but passed out of existence when the Holy See gave a more generous grant, on March 11, 1941 (cf. Bouscaren, *Canon Law Digest,* II [Milwaukee, 1942], p. 603). This new concession does not include the restriction, which Fr. Jone quotes, that the dispensation may not be used when the men are on leave of absence. The statement that "the dumb need not write out their confession" (n. 570), should at least be qualified, since it is denied by many reliable theologians.

Despite these flaws, the book contains much that is enlightening and helpful to confessors. But those who use it should bear in mind that it is not sufficient of itself to furnish all the knowledge necessary for the proper administration of the Sacrament of Penance. For a priest should adequately understand the reasons on which his decisions in the sacred tribunal are based, and a book like that of Fr. Jone's makes no claim to provide such a thorough knowledge. As an accessory, to provide a synopsis of the more detailed works on moral theology with which the priest should be familiar, this little work deserves recommendation to all confessors. But if a priest should employ it as the sole means of equipping himself with the solution of cases on which the eternal welfare of souls depends, he would put himself in the category of those medieval priests whose entire knowledge of moral theology came from their "penitential books."

FRANCIS J. CONNELL, C.SS.R.

HISTORY OF THE CATHOLIC CHURCH. Vol. VI. Period of the Ancient Regime. By Rev. Fernand Mourret, S.S. Translated by Rev. Newton Thompson, S.T.D. St. Louis: B. Herder Book Co., 1945. Pp. viii + 656. $4.00.

As each of the preceding volumes came off the press, the intrinsic value of Mourret's History of the Church in its English translation by Fr. Thompson has been favorably evaluated. The present volume is no exception. In three comprehensive parts, namely the Catholic Renaissance; Orthodoxy; and the Strife against Unbelief, the author treats the development of the Catholic Church during the period which the French are accustomed to classify as the *Ancien régime, i.e.,* the reign of French royalty during the two centuries preceding the French Revolution. Beginning with the pontificate of Clement VIII (1592-1605) and ending with that of Clement XIV (1769-1774), the author has covered all the important events in this era of the church's history: the Catholic Renaissance in the various European countries; the Catholic Missions; German Pietism, and English Protestantism (during the reign of the Stuarts); Jansenism, Gallicanism, and Quietism; Febronianism, Josephism, and Freemasonry; the Catholic Forces in Spain; and the Eastern Churches during the seventeenth and eighteenth centuries.

The reviewer was particularly pleased with the fair treatment given Pope Clement XIV and his pontificate. In the treatment of Freemasonry, the author, while duly accentuating the deistical background and antagonism to the Catholic Church because of its supernatural foundation and Papal Primacy, should also have dealt with its (particularly numerical) symbolism, which today is considered not an accidental, but rather an essential element of this condemned secret society. While, substantially speaking, there is sufficient bibliography given on pp. 590-99, one will find very few English books quoted, much less articles in the leading English periodicals of North America, England, Ireland, and Australia. The student too should be taught the difference between source material, studies, and biographies by a proper and distinctive heading of the various phases of literature. A typographical error on p. 21 has Sixtus VI for Sixtus IV. The decree of Pope Pius XII issued through the Sacred Congregation of the Propaganda on Dec. 8, 1939, which while unknown to Mourret, might nevertheless, so the reviewer feels, have been mentioned by the translator in a footnote, namely, that Chinese missionaries, contrary to what is stated by the author on p. 206, are now no longer obliged "to send a copy of their oath to Rome to attest before God that they admit" the Papal Bull of Pope Bendict XIV regarding the Chinese Rites, providing, however, they instruct the faithful properly regarding the mere civil significance of certain Chinese ceremonies and have them protest inwardly against any formal act of superstition *(AAS,* XXXIII [1940], pp. 24 ff.).

Otherwise the work is up to the standard set by the previous volumes and is a valuable contribution to the study of the Church during the pontificates indicated. We are grateful for, and appreviative of, Fr. Thompson's continued service in making available in English Mourret's excellent contribution to the Church's history.

RAPHAEL M. HUBER, O.F.M.Conv.

FORMING A CHRISTIAN MENTALITY. By Kilian J. Hennrich, O.F.M.-Cap. New York: Joseph F. Wagner, 1945. Pp. viii + 262. $2.75.

This is a carefully arranged treatment of Christian doctrine suitable for teachers in their work of guiding the young and a valuable reference book for the general Catholic reader. Fr. Hennrich is an experienced writer on this and allied subjects and he has brought a considerable amount of reading and meditation to the making of this work. The first part of the book is taken up with "Faith" while the second and longer section is given to "Worship." The formation of a Christian mentality is the author's objective and towards this end he develops the manifold elements that go to make up a truly complete Christian life. Stress is laid upon the grace-giving Sacraments and the grace-inspiring Liturgy to form the mind and heart of man after the model and pattern of Christ.

The author, doubtless with European models in mind, rightly calls attention to the futility of merely external organizations for moral and social betterment, however highly developed they may be. Of youth guidance groups, he writes, "What is almost completely lacking is the foundation, the intrinsic guidance, without which exterior guidance will not reform youth. . . . All these attempts are good and may lessen or prevent many evils, but they may become futile unless the sanctity of youth is raised." The final chapters on the Liturgy and Christian Life and in particular the "domestic" liturgy are both deeply informative and eminently practical. Fr. Hennrich commendably lays frequent stress upon the necessity of popular reading and familiarity with the Sacred Scriptures, especially the New Testament. In view of this, his failure to offer a single citation from the new Revision of the New Testament, published under the patronage of the Episcopal Committee of the Confraternity of Christian Doctrine, is a curious omission. This version is mentioned with approval on p. 10 and it is again referred to on p. 35.

One could object to numerous references to the author's published works and to certain repetitious sequences, but the fundamental teachings of the Church are here well presented and the principles of Christian guidance are sound and illuminating. There is a good working bibliography at the end of the book.

JOSEPH B. COLLINS.

THE CLEAN OBLATION. By Rev. M. D. Forrest, M.S.C. St. Paul: Radio Replies Press, 1945. Pp. x + 214. $2.75.

This book, composed of articles that appeared in *Emmanuel,* is divided into three distinct parts, devoted respectively to Christ's Personal Sacrifice, Christ's Sacrifice offered by the ministry of priests, and the fruits of the Eucharistic Sacrifice. From a broader viewpoint, the first and second parts may be said to concern the essence of the Eucharistic Sacrifice, which, in the light of modern theological speculation, involves the Last Supper, Calvary, and the Mass. The third part forms a distinct unit.

In his introduction (p. vi), the author declares in favor of a simplification of the various theories concerning the essence of the Mass. His treatment of the subject executes this purpose very well, although perhaps to the disappointment of one who would prefer a complete and fully documented scientific treatise.

In the opening chapter, which considers the meaning of sacrifice, Fr. Forrest sounds the keynote of his thesis when he remarks: "Had the Eucharistic Sacrifice not been instituted, we should have remained with an incomplete idea of sacrifice. Certainly we should not have guessed the possibility of a living victim being sacrificed in a borrowed or foreign form, *in specie aliena*" (p. 4). Disclaiming the note of destruction which plays such a prominent part in the writing of so many post-Tridentine writers on this subject, he logically distinguishes the physical sacrifice, in which the victim is offered in its natural condition, *in forma propria,* and the sacramental sacrifice in which the victim is immolated *in specie aliena* (p. 16).

The author clearly explains the divergence of opinion peculiar to the Dualist and the Unicist writers, concerning the relationship between the Sacrifices of Calvary, the Last Supper, and the Mass. Dualism, which Fr. Forrest considers more conformed to the Church's traditional teaching, maintains that the Unbloody Sacrifice of the Last Supper and the Bloody Sacrifice of Calvary were two complete sacrifices. The Mass, likewise, though essentially dependent upon the Sacrifice of Calvary which it represents, commemorates and applies, is in itself a complete Sacrifice where Christ offers Himself as Victim, through the ministry of His ordained priesthood. Fr. Forrest devotes the greater portion of his book to the establishment of the Dualist theory, while refuting the tenets of Unicism which he considers a modern invention that never entered the minds of those who were assembled at Trent (p. 97), where our Eucharistic doctrine receives its fullest and most emphatic crystallization.

The second part of the book concerns the Mass in particular. Here the author expresses his Dualist thesis in the following words: "In the Sacrifice of the Mass, Christ the Supreme High Priest, formally and actually offers Himself through the Church's ordained priests, as our Supreme Victim" (p. 136). This Dualist view of the Sacramental Sacrifice is excellently presented in chapter XIX which he entitles "The Sacramental Replica of Calvary: Calvary in Sacramental garb." This chapter alone would make the book worthy of a place in the library of every priest.

In the last section the reader will find a splendid summary of the Church's theological teachings regarding the effects of the Mass. The treatment accorded the controversy on the propitiatory fruits is particularly commendable.

Unfortunately, the articles chosen for this reprint have been edited carelessly. Several references to quotations made earlier in the work are inaccurate from standpoint of pagination, *e.g.*, the reference to St. Gregory of Nyssa made on p. 106. On p. 115 reference is made to the Bull of Pope Clement VI, *Unigenitus Dei Filius*. The author, however, erroneously ascribes this document to Pope Clement IV. On p. 198 Dr. Pohle is spoken of as Dr. Phole; while on pp. 164 and 174 Dr. Daniel Coghlan, professor of theology at St. Patrick's, Maynooth, and later Bishop of Cork, is referred to as D. Cohalan.

Despite these inaccuracies, the work of Fr. Forrest is a worthwhile contribution. It can be studied with great profit by students of theology and teachers of religion, while providing the well-informed Catholic layman with a fairly simple thesis on certain of the more profound phases of our *Mysterium Fidei*.

EDWARD F. DOWD.

# Book Notes

Several studies of Fr. Lamarche, O.P., which for the most part have appeared in the *Revue dominicaine*, have been presented in book form. *Projections* (Montreal: Les Éditions du Lévrier, 1944. Pp. 208. $1.00) is divided into three parts: Religion, Literature, and Social Facts. Under the first heading the author presents reflections on the feasts of Christmas and New Year; the riches of Catholic Dogma; the value of faith and humility as well as the danger of the *ego;* a defence of Franz Werfel's Song of Bernadette; and an interesting and valuable chapter against a false asceticism. Under the heading of Literature, he considers Papini's *Histoire du Christ;* Jacques d'Arnoux's *Paroles d'un Revenant,* as well as Duhamel's appreciation of Pascal. The third section, entitled Social Facts, repudiates divorce, treats of the Co-operative Movement, and considers other subjects from the standpoint of their social implications. These topics are by no means exhausted but, in the words of the author, each subject is considered from only one angle. Hence he has the title *Projections,* reflecting but one picture through a fixed projector.

In *America on Trial* (New York: Joseph F. Wagner, Inc., 1946. Pp. 128. $2.00) Rev. Clement H. Crock finds parallels between Church and State. He discourses on our two declarations of independence, of the Church and the State, and guarantees for a permanent peace. He asserts that the supreme courts of Church and State run parallel, and considers our government as a model for peace. The Bible and Constitution, he finds, offer a parallel for peaceful government. Symbols of unity and peace are the Pope and the President; and the Vatican and the White House are considered as parallels for a world seeking peace. Emblems for world peace are the Cross and the Flag. Compromise with justice and truth does not pay, as is shown by the relations of Church and State in the past, which should be a warning for the future. He concludes by pointing to the Prince of Peace—Christ the King, as the cornerstone for a permanent peaceful league of nations. All of this is set forth with appropriate quotations and aspirations.

*La Piété Eucharistique* by Fr. J. Bérubé, S.S.S. (Montreal: La Librairie Eucharistique, 1945. Pp. 151), consists of six chapters. The first chapter states the problem and defines the terms; the next four chapters give the author's answer to the problem, and a final chapter is a general synthesis of the previous chapters and a reaffirmation of the conclusion. Two appendices contain Pope Pius XII's discourse to the Priest-Adorers of Italy (Apr. 28, 1939), and his allocution on the occasion of his episcopal jubilee (May 13, 1942). Piety is used to mean religion as a general virtue embracing the whole Christian life under the aspect of giving glory to God. Eucharistic piety is this religious life of the Chrstian in its relation to the sacrament of the Eucharist. The problem: is Christian piety essentially Eucharistic? The author answers that it is. Christ is the source of our spiritual life, the Way or means of that life, the end or goal to which that life tends. Now, since Christ is One, what He accomplishes in heaven, He, present in the Eucharist, accomplishes also. Consequently, in the Eucharist Christ acts as the source, means, and end of our spiritual life. The author elaborates this argument by showing how it is true in the case of the Mass, Holy Communion, and the Real Presence. It must be granted that Eucharistic piety is the highest manifestation and the logical outcome of Christian piety; but this does not mean that it is the sole expression of Christian piety. And only when the statement is understood in this way, can it be said that Christian piety is essentially Eucharistic.